United Nations A/72/PV.36

General Assembly
Seventy-second session

Official Records

36th plenary meeting
Monday, 30 October 2017, 10 a.m.
New York

*President*: Mr. Lajčák ..... (Slovakia)

*The meeting was called to order at 10.05 a.m.*

**Agenda item 76**

**Report of the International Criminal Court**

**Note by the Secretary-General (A/72/349)**

**Reports of the Secretary-General (A/72/342, A/72/372 and A/72/372/Corr.1)**

**Draft resolution (A/72/L.3)**

**The President**: I am pleased to welcome Her Excellency Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, to the General Assembly.

The 1998 Rome Statute is a landmark on the journey to universal justice and the rule of law. Its adoption demonstrated our commitment to ending impunity for the most serious crimes of concern to the international community. It reflected a joint resolve to guarantee lasting respect for and enforcement of international justice.

Now, almost two decades later, we must reaffirm our determination to stand up for victims and prevent recurrence of the most serious crimes. The firm international commitment towards these ends is demonstrated by the fact that almost two thirds of United Nations Members are parties to the Rome Statute.

I want to emphasize two elements of the Court's work. The first is the role of the International Criminal Court in the delivery of justice. While States retain the primary responsibility for exercising criminal jurisdiction over those responsible for serious crimes, the International Criminal Court plays a complementary role: it acts when national judicial systems have failed to ensure accountability.

By fulfilling its functions, the Court carries out a vital role. It contributes to strengthening accountability, protecting human rights and promoting the rule of law. These support our ultimate goal of achieving a more peaceful and just world for all people. However, the cooperation of States with the Court is critical so as to enable it to effectively fulfil its mission, as provided for in the Rome Statute.

The victims must not be denied the justice they deserve. Most have faced the gravest indignity and abuse, ultimately paying the highest price. Victims and their families have suffered the greatest loss and often inhuman treatment. Their rights must not be sacrificed on the altar of political expediency. They deserve justice. If we fail to deliver, we call into question our own relevance as guarantors of human rights and justice.

The second element is the preventive impact of the Court's work. From the very beginning, the International Criminal Court was meant to be an instrument not only for the prosecution, but also for the prevention of international crimes. Strengthening the enforcement of international law helps to deter potential perpetrators from carrying out or continuing criminal conduct. Furthermore, as the Court works to fulfil its mandate under the Statute, it supports the work we are doing to promote justice and the rule of law and to sustain peace.

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

17-35155 (E)

Accessible document Please recycle

Finally, the Rome Statute of the International Criminal Court reaffirms the purposes and principles of the Charter of the United Nations. Achieving its universality was considered a means to guarantee that such unimaginable atrocities, which represent a threat to the peace, security and well-being of the world, would not go unpunished. Ending impunity is an important way to prevent future atrocities. All of us have an obligation to prevent and respond to these grave crimes.

As we consider this agenda item today, I trust we will remind ourselves of our common commitment to peace and international justice.

It is now my honour to invite Judge Fernández de Gurmendi to take the floor.

**Judge Fernández de Gurmendi** (International Criminal Court) (*spoke in Spanish*): I would like to take this opportunity to extend my respectful greetings to the Spanish-speaking delegations before proceeding with the presentation of my report (see A/72/349) in the two working languages of the Court, which are French and English.

(*spoke in English*)

I am honoured to address the General Assembly to present the Court's annual report to the United Nations for the third and last time, as my mandate as President and Judge of the International Criminal Court (ICC) will expire in March 2018.

When I first addressed the Assembly two years ago, following my election as President (see A/70/PV.48), I emphasized that the main priority I had set for my mandate was to enhance the Court's effectiveness and efficiency. I thought then, and remain convinced today, that cooperation is linked to performance. The Court must constantly strive to improve its governance, as well as the speed and quality of the justice that it delivers, in order to enhance its credibility and foster support.

I am glad to say that much effort has been put into fulfilling this goal in all organs of the Court, and much progress has been made. The judges have sought to improve and accelerate judicial proceedings through a collective assessment of the legal framework and methods of work. Three retreats of judges have been a central vehicle to foster the development of a more cohesive judicial culture among the judges of the Court, who come from different backgrounds, legal systems and traditions. These retreats have served to channel collegial discussions across Chambers and Divisions, allow them to revise entire phases of the judicial cycle, and generate a number of concrete initiatives to amend, where necessary, the legal framework, practices and methods of work. The third and last retreat took place in Kraków, Poland, this year, focusing on appeals issues. The two previous retreats, held in 2015 in Nuremberg, Germany, and in 2016 in Limburg, the Netherlands, had focused on pre-trial and trial issues, respectively.

These collective discussions were unprecedented. For the first time at the Court, all judges accepted that judicial independence within their respective cases and Chambers was in no way incompatible with exchanging views and experiences with a view to identifying best practices and recommending common responses to some challenges. These ground-breaking efforts have generated a number of initiatives and produced several concrete outcomes.

A publicly available Chambers Practice Manual seeks to harmonize the approach to certain matters by clarifying how certain procedural phases should be carried out. To the extent possible, judges have sought to improve the Court's work through practice rather than amendments to the legal framework, which should remain exceptional. However, certain specific amendments have been introduced to the Rules of Procedure and Evidence and Regulations of the Court. We have also improved the structure of the legal support staff at the Court. The reforms we have put in place are already having a visible impact on our courtrooms and cases, including a clear and drastic reduction of the time required for some phases or aspects of proceedings. We have also made progress in the development of performance indicators, and a third report, which will be produced at the end of this year, will be accompanied by a fuller set of data, which, we hope, will help illustrate the work of the Court across cases.

Enhancing the efficiency of the Court has become critical at a time in which the Court is very busy at various stages of proceedings and the heavy workload is likely to continue in future. As I mentioned before, much progress has been achieved in this regard, although, of course, much more is required. The Court is not perfect, but it is working, it has matured and it is delivering on its mandate.

As part of improving its governance, we have also sought to strengthen the safeguards that ensure

that officials and staff members of the Court uphold the highest standards of integrity and professionalism in the exercise of their functions. I would like to emphasize in this regard that a system of disclosure of financial information for certain elected officials and senior managers has been in place since 2015, that the Independent Oversight Mechanism created by the Assembly of States Parties is now fully operational, and that a new policy for the protection of whistle-blowers is being developed at the Court. Also, in this regard, we have started a review of all relevant existing legal provisions, including codes of ethics. We consider it important to assess the adequacy of this legal framework in order to identify any lacunae, introduce amendments, if necessary, and make recommendations to the Assembly of States Parties, if appropriate.

As I indicated, the Court is now confronted with a heavy workload, and that is likely to continue next year. At the start of the reporting period, convictions or sentences were issued in two trials against a total of six persons. The first one concerns Mr. Ahmad Al-Faqi Al-Mahdi for the destruction of world-heritage property in Timbuktu, Mali. The second one was brought by the Prosecutor against Mr. Jean-Pierre Bemba Gombo and four co-accused for offences against the administration of justice related to the alleged corruption of witnesses in the main case against Mr. Bemba. The conviction and sentences in this second case are now being considered on appeal.

Three trials are currently ongoing before the Chambers of the Court. The most recent of these is the trial against Mr. Dominic Ongwen, which started on 6 December 2016. More than 10 years had elapsed since the arrest warrants of the Court were issued against him, together with Mr. Joseph Kony and others, for alleged crimes against humanity committed by members of the Lord's Resistance Army in northern Uganda. Mr. Ongwen finally surrendered of his own free will and was transferred to the Court on 17 January 2015, thus allowing judicial proceedings to start. The trial is now progressing at a high speed. It is a huge development that a trial is now finally being conducted before our judges. It also illustrates the enormous challenges that the Court needs to confront for its cases to reach the courtroom. While the Court is doing its best to accelerate the pace of proceedings, many of the difficulties are beyond its control and can be overcome only with the cooperation of the international community. Without an army and without police, the Court's most notable single challenge, among many others, remains the arrest of suspects.

Another illustration of a similar problem is the ongoing trial against Mr. Bosco Ntaganda, who has been accused of war crimes and crimes against humanity allegedly committed in the Ituri district of the Democratic Republic of the Congo. Mr. Ntaganda was subject of an arrest warrant for several years, from 2006 until 2013, when he finally also surrendered voluntarily and was transferred to the Court. Trial hearings are expected to finish early next year.

The third trial in progress is the case of Mr. Laurent Gbagbo and Mr. Charles Blé Goudé, both accused of crimes against humanity allegedly committed during post-election violence in Côte d'Ivoire between December 2010 and April 2011. The Prosecution is currently presenting its evidence, and the trial is expected to continue throughout next year.

Trials are the most visible and the most resource-intensive work at the Court. However, a lot is also happening in the Pre-Trial and Appeals Divisions. Some of it may go unnoticed or, in fact, be under seal, as shown by the unsealing of the arrest warrant against Mr. Al-Tuhamy Mohamed Khaled earlier this year. He is suspected of crimes against humanity and war crimes that were allegedly committed on Libyan territory from February to August 2011.

The work of the Pre-Trial and Trial Divisions also has an impact on the workload of the Appeals Division, which is now dealing with interlocutory appeals, appeals in relation to reparations proceedings, and, most notably, appeals against the final conviction and sentences issued in two cases. One of these is the case I have already referred to: the case against Mr. Jean-Pierre Bemba Gombo and four others for offences against the administration of the Court. The other is in the main case against Mr. Bemba for failure to punish or prevent crimes of rape, murder and pillaging that were allegedly committed by his subordinates in the Central African Republic in 2002 and 2003. The Appeals Chamber is expected to issue its judgment in those two cases in the first quarter of next year.

(*spoke in French*)

As I have just described, the Court is seized of a number of cases that are in different stages of judicial proceedings. The Prosecutor is continuing her investigative activities with respect to 10

situations, as well as preliminary examinations in relation to 10 countries on four continents. None of these activities would be possible without the cooperation of States — parties and non-parties to the Rome Statute — and organizations. I would like to take this opportunity to acknowledge the excellent cooperation we receive from a large number of States, including most of the countries in which there are ongoing investigations.

At the same time, it is of grave concern that several suspects remain at large, despite arrest warrants having been issued by the Court. As I have already said, the arrest of suspects remains the main challenge for the Court. In total, requests for arrest and transfer issued by the Court are outstanding against 15 persons, in six different situations. With regard to our justice efforts, it is essential that those individuals be brought before the Court. I call on all States to contribute to achieving that end. I also urge the Security Council, which referred the situations in Darfur and Libya to the Prosecutor, to take measures to ensure full cooperation with the Court.

The most recent arrest warrant, now outstanding, was issued on 15 August against Mr. Mahmoud Mustafa Busayf Al-Werfalli in relation to the situation in Libya. He is suspected of having committed and ordered murder as a war crime in relation to events that took place in Benghazi and the surrounding area between June 2016 and July 2017.

Bringing the alleged perpetrators of the most serious international crimes to justice is the core mandate of the International Criminal Court. Indeed, the Court was created in the belief that those crimes constitute a threat to peace and security. The Court was also created in the belief that investigating and prosecuting them will help prevent further atrocities, thereby contributing to sustainable peace. In its work, the Court does not target States or regions; rather, it seeks to protect the victims of such crimes. It is therefore essential to ensure that victims understand the work of the Court and have sufficient ownership of justice efforts.

The Rome Statute recognizes that point and, for the first time, contains elements intended to give victims a voice in all stages of the proceedings, as participants in their own right, and not merely as witnesses of crimes. The Rome Statute allows victims to provide information to the Prosecutor and participate in the judicial proceedings to express their views and concerns.

Victims are indeed central to our work. As part of our measures to enhance performance, much has been done to improve the way that we communicate and reach out to victims, so that they have sufficient knowledge of our work and their rights in our proceedings. In the *Ongwen* case, for example, proceedings are broadcast regularly at viewing sessions in the affected communities. In the Central African Republic, the Court's enhanced field-office capacity has made it possible to extend outreach activities to many locations beyond Bangui. In Côte d'Ivoire, radio and television programmes are broadcast on a regular basis.

Almost 13,000 victims are currently participating in various International Criminal Court proceedings through legal representatives, including more than 4,000 victims in the most recent *Ongwen* case. The increasing number of victims willing to participate demonstrates both the success of the Court in improving the access of victims to justice and the enormous challenge that lies ahead. Indeed, the participation of sometimes thousands of victims raises a number of legal and operational challenges, as such participation must be genuine and meaningful without affecting the right of the accused to a fair and expeditious trial.

Furthermore, as victims participate through legal representation, one particular challenge is to ensure that legal counsel properly channel the voices of victims. Chambers have applied different systems to that end, but further reflection will be needed in that regard.

Reparations for the harm suffered are another crucial aspect of the ICC's focus on victims. As the General Assembly is aware, the Rome Statute is the first instrument of its kind to provide for the possibility of ordering reparations to victims in case of conviction. Following the completion of trials, reparations proceedings are now ongoing in four cases.

Last year, reparations were ordered in the case of Mr. Germain Katanga, who was convicted of crimes committed during the attack on the village of Bogoro, in the Democratic Republic of the Congo. The Trial Chamber awarded both individual and collective reparations to the victims of the crimes of which Mr. Katanga was convicted. The Chamber set the amount of his liability at $1 million. The reparations order in that case has been appealed.

Most recently, collective and individual reparations, as well as some symbolic measures, were ordered in the case of Mr. Al-Mahdi, related to the destruction of

religious and historic buildings in Timbuktu, Mali. The Legal Representative of Victims has filed an appeal against the reparations order.

As part of the reparations system, States parties to the Rome Statute established a Trust Fund for Victims, funded by voluntary donations from States and other donors. The Trust Fund can contribute financially to implementing reparations orders in cases in which the convicted party is indigent, but it can also provide broader assistance to victims who suffered damages resulting from crimes within the jurisdiction of the Court extending beyond the confines of specific cases. In northern Uganda, for example, the Trust Fund has been active for 10 years in working with local non-governmental organizations on projects aimed at mentally and physically rehabilitating victims. I had the opportunity to personally visit some of those projects earlier this year, and noted first hand in my discussions with victims who are benefiting from these programmes the importance of the assistance that the Fund is providing them.

Reparations and assistance depend on voluntary contributions to the Fund. I stress the importance of those contributions to ensuring the success of the system and take this opportunity to thank all States that have already donated to the Fund, in particular for the donations made this year.

As I have already underscored, the Court is confronting many challenges and difficulties that can be overcome only with the full cooperation of States, organizations and civil society. Although the Court is not part of the United Nations, it shares its goals and values. It must frequently intervene in situations that are also of concern to the Organization. As the Assembly is aware, the ICC and the United Nations are also formally linked through the Relationship Agreement. Continued cooperation of the United Nations is crucial for the work of the International Criminal Court.

I wish to express my gratitude to Secretary-General António Guterres and his predecessor, Mr Ban Ki-moon, for supporting the ICC. The Court also greatly appreciates the excellent relations that it enjoys with the Legal Counsel and other high-level officials of the United Nations, as well as with a number of the Organization's programmes, funds and specialized agencies.

United Nations cooperation with the Court takes several forms. It includes logistical and security assistance in the field, as well as judicial assistance, such as the disclosure of documents and making United Nations staff available as providers of information and witnesses. All those various forms of cooperation, which are provided on a cost-reimbursement basis, are highly valuable to the Court.

(*spoke in English*)

Over the past 30 years, the concept of accountability has figured prominently on the global agenda. It is now widely accepted that there is an obligation to end impunity for the most serious crimes of concern to the international community: genocide, war crimes, and crimes against humanity. The emergence of this principle as a norm under international law has changed the parameters for the pursuit of peace. There is now an expectation that there will be accountability for the most serious crimes, and the conviction that accountability is necessary for achieving sustainable peace. The question is no longer whether to pursue justice, but rather when and how.

The International Criminal Court is playing a central role in the international criminal-justice system, and it is making important contributions to ensuring accountability for the gravest international crimes. However, despite all the progress, there are still huge gaps where impunity continues to flourish. These gaps can be addressed only through the joint justice efforts of international, regional and national systems. No single jurisdiction alone can deal with this type of crimes, which involve multiple perpetrators, as well as thousands or even hundreds of thousands of victims. It is essential to emphasize in particular that each State has the primary responsibility to prevent, investigate and prosecute genocide, crimes against humanity and war crimes. International and regional jurisdictions can only supplement, but never replace, the actions of States.

The International Criminal Court was explicitly established as a complementary mechanism of last resort intended to address only situations in which the relevant States fail to act. As a positive result of this complementary system, an increasing number of States have updated their national legislation to be able to investigate and prosecute international crimes at the domestic level. Others have also established specialized units within their justice systems in order to deal with these types of crimes.

All such initiatives are commendable and necessary if we are to establish an effective system of global justice. That is why it is also important to deploy every effort to enhance national capacity to investigate and prosecute mass crimes. Although capacity-building as such is not the task of the ICC, we can assist in reflecting upon the way forward and make our expertise available where necessary. Just last week, the Court convened a regional seminar in the Niger, with particular emphasis on complementarity.

It is also important to deploy efforts to enhance membership in the ICC system. To this effect, we cooperate closely with other actors promoting the universality of the Rome Statute, such as States parties to the Statute, international and regional organizations, and civil society. Promoting the universal participation in the Rome Statute is of fundamental importance so as to enhance the effectiveness and the legitimacy of the institution and its capacity to contribute to the rule of law, justice, and sustainable peace and development.

We have undertaken a number of initiatives this year that foster both cooperation with the Court and the universality of the Rome Statute. I would like to mention in particular two important seminars that took place this year: one in Trinidad and Tobago, and the other in the Republic of Korea. The Court is grateful to the European Commission and all others that have financially supported these and other events organized by the Court aimed at advancing dialogue with States and other key partners. I would also like to especially thank all the States that agreed to host meetings of the Court for their hospitality.

Last month, I had the privilege of attending the Pacific Islands Forum Leaders' Meeting in Samoa, where we held an ICC workshop and engaged in constructive discussions with many of the leaders present. There was broad recognition of the importance of the ICC and the rule of law for the protection of small and medium-sized countries in particular. I am deeply grateful to the Government of Samoa and the secretariat of the Forum for facilitating my participation in this meeting. It was a unique opportunity to reach out to Heads of State and Government from the region and encourage greater participation of Pacific Island States in the ICC.

The quest for accountability is a work in progress. There is much to celebrate, but more concerted efforts are required to investigate and prosecute international crimes at all levels. To achieve effective deterrence, we must create a consistent pattern of accountability. Despite the historic achievements in the fight against impunity, we are not there yet. We also need concerted efforts to improve the quality of international criminal justice. As I have explained, the ICC has achieved concrete results in improving its efficiency, but more work is needed in this regard too, and it should not be done in isolation.

The International Criminal Court was created in the belief that an international system cannot be associated with a particular legal system or set of values. A truly international system incorporates elements of legal systems and traditions from around the world and represents values that resonate across the globe. This premise continues to be valid today. There is no particular legal system that is per se more apt for investigating and prosecuting this type of crime. We must strive to identify the best tools of each system in order to improve the quality of our work. We did it together at the ICC among all the judges, and we are now extending the dialogue to other courts and tribunals.

A step forward was taken two weeks ago, in Paris, where a meeting of presidents and judges from several international criminal tribunals and mechanisms was held for the first time. As practitioners experience similar challenges, there is a need for them to engage in a dialogue on how best to solve them. I thank *l'École nationale de la magistrature* — the French National School for the Judiciary — for hosting this extremely important and unprecedented event.

Indeed, we must take stock of the achievements — and mistakes — of the past three decades in order to identify together the best tools for an effective system of international criminal justice for the twenty-first century.

**The President**: I call on the representative of Mexico to introduce draft resolution A/72/L.3.

**Mr. Sandoval Mendiolea** (Mexico) (*spoke in Spanish*): I have the honour of introducing the draft resolution contained in document A/72/L.3, entitled "Report of the International Criminal Court". The draft resolution welcomes the report of the International Criminal Court on its activities during the period 2016-2017 (see A/72/349) and is an update of resolution 71/253, adopted on 23 December 2016. My delegation would also like to express its gratitude to all the delegations that have sponsored the draft, which once

again reaffirms the importance that members attribute to the annual report on the work of the International Criminal Court. I would greatly appreciate submitting the draft resolution contained in document A/72/L.3 to the General Assembly for adoption without a vote.

I would now like to make some brief comments in my national capacity. Mexico would like to thank the President of the International Criminal Court, Judge Silvia Fernández de Gurmendi, for her excellent presentation of the report of the activities of the International Criminal Court to the General Assembly, which we have just heard. We are also grateful for and wish to pay tribute to the excellent leadership exercised by the President during her term of office, which is about to end.

Over this period, significant progress has been made by the Court. It was a year of firsts: the Court dealt with its first trial on the destruction of cultural assets as a war crime in the trial against Mr. Al-Mahdi, in the context of the situation in Mali. Again, this was the first case of the Court where the accused admitted his guilt. The Court also handed down its first sentence for crimes against the administration of justice in the *Bemba et al.* case, condemning the defence and the accused for exerting undue influence on witnesses and having borne false witness to the Court in the situation of the Central African Republic. In this period, the first trial resulting from the situation in Uganda took place. These are significant contributions in the development of contemporary international criminal justice, both substantive and procedural.

We congratulate the Court for including specific proposals in its report to strengthen the international criminal-justice system, an objective acknowledged in the Preamble of the Charter of the United Nations. In particular, we highlight the following points. First, we agree on the need for increased cooperation between the Security Council and the Court. Mexico promotes the responsible and objective use of the Council's power to refer situations to the Court. That is why Mexico, together with France, supports the initiative in which the permanent members of the Security Council would refrain from using the veto in mass atrocity situations. We urge all those States that have not yet done so to join us in taking this initiative in order to strengthen international humanitarian law.

Secondly, believing that the major challenges for cooperation with the Court arise specifically in situations referred by the Council, we regret the Council's failure to act and agree that it is essential for it to follow up on these referred situations in order to foster cooperation on the part of both States parties and States non-parties to the Statute of the Court.

Thirdly, we agree that the mutual exchange between both organs would, as is suggested in the report, benefit from a structured dialogue which would make it possible to discuss not just the situations referred by the Council, but also other situations that the Court is looking at and thematic issues of mutual interest.

Fourthly, we also support exploring ways to achieve closer cooperation between the Security Council sanctions committees and the International Criminal Court, considering the usefulness of travel bans and asset freezes ordered by the Council for the detention of persons accused by the Court, as well as for the confiscation of their assets in order to provide reparations to victims.

Mexico wishes to underscore the identification by the Court in its report of the use of the platform provided by the 2030 Agenda for Sustainable Development, particularly with regard to Sustainable Development Goal 16, in order to include issues related to the Rome Statute in legal and judicial reform programmes with the support of the United Nations.

Mexico welcomes this approach. Indeed, the report issued this year by the Secretary-General promoting the rule of law in the Organization's activities (A/72/268) describes significant activities involving assistance provided by the United Nations to countries throughout the world to strengthen their justice and security institutions, including the development of national capacities for the investigation and prosecution of international crimes, which is consistent with States' primary responsibility in this regard. These endeavours carried out by the United Nations and those deployed for human rights or development are appropriate for the provision of technical assistance. We are pleased that the Court recognizes this fact in its report, and we hope that it will be implemented comprehensively across the International Criminal Court system.

Finally, Mexico supports the swift activation of the Court's jurisdiction over the crime of aggression. This will round out the functional forms of jurisdiction provided for under the Rome Statute in 1998. A few months before the twentieth anniversary of the Statute

and the fifteenth anniversary of the Court's becoming active, we believe that it is high time for this to be done.

Mexico reiterates its commitment to the international criminal justice and to strengthening the system that was created by the Rome Statute, in order to avoid impunity for the perpetrators of the most serious crimes that affect the international community as a whole.

**Mr. Jensen** (Denmark): I have the honour to speak on behalf of the five Nordic countries: Finland, Iceland, Norway, Sweden and my own country, Denmark.

I would like to start by thanking the International Criminal Court (ICC) for its annual report to the United Nations (see A/72/349). I would also like to thank Judge Fernández de Gurmendi, President of the ICC, for her thorough presentation of the main issues of the report. Again, the yearly report bears witness to the Court's increasing activity across a broad range of situations and cases, showing that the ICC is truly a global criminal court. The Nordic countries would like to express our sincere appreciation to the Court for its significant contribution in the fight against impunity worldwide.

Holding to account perpetrators and ensuring justice for victims of the most serious crimes of concern to the international community as a whole are principles shared by States in all parts of the world. The International Criminal Court is an essential institution, not only for promoting respect for international humanitarian law and human rights law, but also for the advancement of post-conflict peacebuilding and reconciliation, with a view to achieving sustainable development and peace, as also envisioned in Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development.

The success of the ICC depends on cooperation with other stakeholders, and many States and international organizations provide important contributions to the Court. However, it is a continued cause for concern that the number of outstanding arrest warrants remains high. We strongly urge all States to cooperate fully and effectively with the Court, in line with applicable Security Council resolutions. Furthermore, States parties to the Rome Statute have undertaken an obligation to this end.

The Court's promise of justice for victims corresponds to the reach of its jurisdiction, which, first and foremost, depends on how universally the Rome Statute has been ratified. The ICC needs more States parties, not fewer. We would therefore like to welcome El Salvador as the latest State party to the Rome Statute. Furthermore, the Nordic countries are pleased to note that the Gambia and South Africa reversed their previous decisions, having withdrawn their notifications of withdrawal before they took effect.

However, we also wish to reiterate our deep disappointment and concern with respect to the decision of the Government of Burundi to withdraw from the Rome Statute. We stand ready for a constructive discussion about concerns that some States parties may have and encourage and invite States parties that are critical of the Court to seek solutions within the framework and fundamental principles of the Rome Statute. Continued dialogue is of key importance.

As the ICC is a court of last resort, States have the primary responsibility to investigate and prosecute crimes. However, States affected by genocide, crimes against humanity and war crimes might at times need capacity support to implement the relevant legislation, initiate investigations and conduct criminal proceedings. The Nordic countries emphasize the value of States parties assisting one another — and those States that are interested in ratifying the Statute — in developing capacity. We are committed to strong international cooperation. Such cooperation can strengthen the political commitment of States to conducting genuine and fair proceedings in what are often challenging circumstances.

Cooperation that engages international, regional and national actors in the justice sector, as well as civil society, also furthers the principle of complementarity. In this context, we wish to highlight the complementarity programme of the Justice Rapid Response facility, which offers assistance and mentoring to States that are willing to investigate conflict-related international crimes.

In this forum, I would like to make particular note of the ongoing cooperation between the United Nations and the ICC as described in the report. We share the Court's strong appreciation for the crucial support and cooperation from senior leadership of the United Nations, particularly the role played by former and present Secretaries-General, as well as the engagement of the relevant United Nations departments, among which the Office of the Legal Counsel should be highlighted. We welcome the ongoing high-level consultations between the principals of the Court and senior United Nations officials. This dialogue also

sets the course for more concrete areas of cooperation, including stronger cooperation in the field and supportive policy statements from relevant United Nations bodies.

Enhanced cooperation between the Court and the Security Council is still necessary. This is particularly true in cases of non-cooperation with the ICC, as well as for strengthened follow-up on situations referred to the Court by the Security Council. We also note with great concern that the Security Council has been unable to refer the Syrian situation to the ICC, and we strongly urge Council members to continue efforts in that regard.

The Nordic countries are appalled by the continued, blatant disregard for human rights and international humanitarian law in Syria. Without stronger and more committed action by the Council and States parties, the situation will not improve. All of those responsible for war crimes and other serious international crimes must be held accountable. Impunity is not an option. In this regard, the Nordic countries are proud to support the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, with the important mandate to collect, save and categorize evidence for future investigations and trials. We encourage others to do the same. Furthermore, our strong support for the Independent International Commission of Inquiry on the Syrian Arab Republic remains.

The full realization of the rights of victims is an important aspect of the continuing success and relevance of the Court. We commend the important work of the ICC Trust Fund for Victims, which has supported more than 450,000 victims in northern Uganda and the Democratic Republic of the Congo, and has recently launched an assistance programme in Côte d'Ivoire. We encourage States and other entities to contribute to the Trust Fund.

The Nordic countries also welcome the Court's ambitions to further enhance the efficiency of its activities. We especially welcome the Prosecutor's policies to address crimes against those most vulnerable in important areas, such as sexual and gender-based crimes and crimes against children.

In order for the Court to be able to carry out its mission in the most efficient way, it also needs to be properly funded. The Court's budget will be dealt with in the Assembly of States Parties later this year, but we wish to underline the worldwide activities of the Court, as reflected in the Court's report. It is our common responsibility to ensure that the Court has sufficient resources to carry out its important mandate in a time of increasing demand.

*Mr. Barros Melet (Chile), Vice-President, took the Chair.*

Likewise, it is the obligation of the Court to ensure its effective and efficient functioning, and we commend the steps taken in this regard, as well as in terms of developing performance indicators. We also stress the importance of upholding and strengthening governance standards and ensuring proper investigation of alleged misconduct. In this context, we particularly note the need to address recent allegations and ensure that the impartiality and independence of the Court remains beyond doubt.

I would like to conclude by renewing our pledge that the Nordic countries will remain staunch supporters of the ICC. We are committed to continuing to work for the Court's effectiveness, independence and integrity.

**Ms. Beckles** (Trinidad and Tobago): I have the honour to speak on behalf of the 14 States members of the Caribbean Community (CARICOM).

We are grateful to the Secretary-General for the annual report of the International Criminal Court (ICC) (see A/72/349) and supporting documents, which provide useful information on the activities of the Court in the 2016-2017 period.

CARICOM'S unwavering commitment to the ICC is informed by its recognition of the importance of ending impunity for perpetrators of the most serious crimes of concern to the international community, namely, the crimes of genocide, crimes against humanity, war crimes and crimes of aggression, as outlined in article 5 of the Rome Statute. We therefore join with other members of the international community in underscoring the importance of preventing such crimes and ensuring that those responsible for perpetrating them are brought to justice. It is noteworthy to mention that, from our region, the late Arthur N. R. Robinson, former President and Prime Minister of the Republic of Trinidad and Tobago, has been credited as one of the forefathers of the ICC through his pioneering work which led to the establishment of the Court.

In the light of the concerns of some over the criminal jurisdiction of the ICC as a threat to national sovereignty, we wish to recall that, consistent with the principle of complementarity enshrined in the Rome Statute, the Court's jurisdiction is invoked only when States refuse to prosecute those alleged to be guilty of committing grave crimes of concern to the international community or where they lack the appropriate domestic jurisdiction to do so. No individual or State should fear the ICC, as it is a court of last resort.

Notwithstanding its many challenges, we cannot ignore the fact that the ICC continues to be a beacon of hope for victims of crimes within its jurisdiction who are seeking justice. These include thousands of women and children, who are often the ones most affected by the actions of criminals who show blatant disregard for the sanctity of human life by violating international humanitarian law and international human rights.

As stated in the report of the ICC, we are pleased to note that, to date, the Trust Fund for Victims and implementing partners have assisted more than 455,000 victims, including through providing physical and psychological rehabilitation, as well as material support to survivors of Rome Statute crimes. We also urge States and other entities in a position to do so to contribute to the Trust Fund, with a view to providing for the expansion and sustenance of its assistance programmes as well as for Court-ordered reparations.

CARICOM asserts that the success of the Court is intrinsically linked to the universality of the Rome Statute. Therefore, we are convinced that through increased cooperation, the Court would be better able to effectively discharge the mandate entrusted to it by States parties. In this regard, we reiterate our commitment to promoting the universality of the Rome Statute of the ICC and urge all States that have not yet done so to take the necessary steps to ratify and fully implement the Statute with a view to promoting its universality.

CARICOM recalls the decision made at the Review Conference of the Rome Statute held in 2010 in Kampala, Uganda, for the Court to exercise its jurisdiction over the crime of aggression once 30 States had ratified the amendments proposed there and subject to a decision of the Assembly to activate that jurisdiction. We therefore look forward to the upcoming decision of the Assembly to activate the Court's jurisdiction over the crime of aggression later this year, with a view to ensuring that the Court is able to exercise wider jurisdiction, including over crimes of aggression, thereby preventing impunity.

CARICOM recognizes that during the current reporting period, three States parties acceded to the Agreement on the Privileges and Immunities of the ICC, bringing the total number of parties to the Agreement to 77. Further, four States parties have ratified or accepted article 8 and the crime of aggression amendments to the Statute, bringing the total number of States parties to both amendments to 34. In addition, four States have acceded to the article 124 amendment, bringing the total number to five.

CARICOM recognizes the importance of cooperation with the United Nations to the proper functioning of the Court. We are therefore pleased to note that during the current reporting period, the Court continued to receive crucial support and cooperation from senior United Nations officials, including the current Secretary-General. We also commend the United Nations on its efforts to provide staff for interviews and testimony.

As part of larger efforts to further advance cooperation with the Court, we are particularly pleased to recall that, on 10 and 11 January 2017, in Trinidad and Tobago, the ICC organized a high-level seminar for CARICOM on fostering cooperation with the Court. CARICOM commends the ICC for its efforts in this regard and reiterates its firm commitment to cooperating with the Court and upholding its mandate.

Pursuant to the provisions of the Relationship Agreement, which provides for the close cooperation between the Court and the United Nations in discharging their respective responsibilities, CARICOM is satisfied that in the period from July 2016 to June 2017, the United Nations cooperated extensively with the Court, with a view to further strengthening their relationship and ensuring the effective implementation of the Agreement.

In accordance with the report of the Secretary-General on this agenda item, we wish to recall that the capacity of the Security Council to refer a situation to the Court is crucial to promoting accountability, but active follow-up on referrals to ensure cooperation, namely, the arrest and surrender of individuals, is necessary to guarantee that justice is delivered. We note with deep concern that the Security Council has failed to respond to several notifications of findings of non-cooperation in any substantive form.

CARICOM is also disturbed by the failure of some States to honour their legally binding obligations to cooperate with the Court in the execution of outstanding arrest warrants. Those that fail to cooperate with the Court to bring criminals to justice are contributing to a culture of impunity that not only undermines the rule of law but also serves as an affront to victims of grave crimes.

CARICOM commends the efforts of the Court to ensure that justice prevails and that criminals are not allowed to continue their actions with impunity. We remain satisfied with the steadfast commitment and hard work of the ICC Prosecutor, Ms. Fatou Bensouda, who continues to discharge her mandate in a manner consistent with the provisions of the Rome Statute of the ICC. We take note of the newly opened preliminary examination during the current reporting period, as well as the ongoing examinations being conducted.

CARICOM once again expresses its concern over the increasingly heavy workload of the Court. Pursuant to the report of the ICC, we note that the Prosecutor is engaged in ongoing investigations in relation to ten situations. Two judgments have been issued, in which six accused were convicted and sentenced, three trials are ongoing and two cases are on appeal. Further, proceedings relating to reparations in four cases are under way. To this end, we reiterate our call for the ICC to be provided with the resources necessary to properly discharge its mandate and ensure that the perpetrators of the most serious crimes of concern to the international community are brought to justice. CARICOM also urges the States parties that have not yet done so to pay their outstanding contributions so as to ensure that the Court is able to discharge its responsibilities in an effective and efficient manner.

Pursuant to article 115 (b) of the Rome Statute of the ICC and the Relationship Agreement between the United Nations and the ICC, CARICOM recalls that the expenses associated with referrals by the Security Council should be provided by funds from the United Nations. To this end, we once again reiterate our call for the United Nations to honour its obligations to meet the costs associated with referrals by the Security Council to the ICC.

In closing, I would like to reaffirm the unwavering support of CARICOM for upholding the mandate of the Rome Statute of the ICC and for cooperating with the Court with a view to putting an end to impunity for the perpetrators of the most serious crimes of concern to the international community and ensuring that adequate reparations are provided to victims.

**The Acting President**: I now give the floor to the observer of the European Union.

**Mr. Chaboureau** (European Union) (*spoke in French*): I have the honour of speaking on behalf on the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia; Albania, country of the Stabilization and Association Process; and potential candidate Bosnia and Herzegovina, and Ukraine, the Republic of Moldova and Georgia align themselves with this statement.

We would like to thank President Fernández de Gurmendi for her comprehensive briefing. We also thank the International Criminal Court (ICC) for its annual report to the General Assembly (see A/71/349), covering the period from 1 August 2016 to 31 July 2017 and detailing a particularly busy year for the International Criminal Court.

The European Union and its member States consider the fight against impunity for the most serious crimes, by holding the perpetrators accountable for their actions and ensuring justice for the victims, to be the key to a just and fair society. We are strong supporters of the Court, which, as a crucial institution for the promotion of a rules-based world order, aims to deliver justice to the victims of the most serious crimes when that is not possible at the national level. The Court remains an essential custodian of international humanitarian law and human rights in all countries and is a source of hope for the millions of victims of atrocities committed around the world.

Complementarity is at the heart of the system that was created by the Rome Statute. The responsibility for bringing offenders to justice lies with Member States themselves. In this regard, for the system to work, all States parties must adopt effective national laws so as to implement the Rome Statute. Through various assistance instruments and projects, the European Union remains committed to supporting initiatives aimed at encouraging Member States to cooperate in the fight against impunity, including by improving ways to provide mutual legal assistance.

The European Union and its member States welcome the decisions taken by South Africa and the

Gambia to reverse their prior decisions to withdraw from the Rome Statute. We regret that Burundi has not reconsidered its decision to withdraw. We invite States to contribute to the efforts to combat impunity for major international crimes, in accordance with the objectives and principles of the Rome Statute and the primary responsibility of Member States to bring offenders to justice. We believe that it is important to work constructively on the perception that people might have of the Court.

We also note that, during the reporting period, three States acceded to the Agreement on the Privileges and Immunities of the International Criminal Court, and four States parties have ratified or accepted the amendments to the Rome Statute, in particular article 8 thereof, which pertains to the crime of aggression. That brings the total number of parties that have accepted those amendments to 34.

We also note that the threshold of 30 ratifications of the amendments on the crime of aggression, as provided for in resolution RC/Res.6 of the Review Conference on the Rome Statute, adopted on 11 June 2010, has been met. We note the ongoing discussions on the Court's jurisdiction over the crime of aggression prior to the Assembly of the States Parties to the Rome Statute, to be held in December. We also welcome the fact that four Member States have acceded to the amendments to article 124.

With 10 cases under investigation by the Prosecutor, 10 preliminary inquiries, three ongoing trials and two appeals, the ICC is conducting investigations and trials that touch upon most parts of the world, whether it be Latin America, Asia, Africa or Europe. While the effective management of the heavy workload of the ICC is acknowledged to be a real challenge, the increase in the number of cases referred to the ICC reflects the fact that many Member States place their hopes in the Court to bring about justice and accountability.

We are aware of the important legal developments that the ICC, in fulfilling its mandate during the reporting period, initiated, in particular opening a preliminary inquiry into the situation in Gabon and commencing the trial of Dominic Ongwen with regard to the situation in Uganda. We take note of the Court's judgments during a reporting period in which six defendants were convicted and sentenced. The judgment of the Court with regard to the situation in Mali is the first case on the destruction of cultural property, as well as the first case in which an accused has pleaded guilty, and its judgment on the situation in the Central African Republic relates, for the first time, to charges of offences against the administration of justice.

Within the context of the ICC's increasing activity, it is essential that the Court operate in an efficient and effective manner. We therefore warmly welcome the efforts of the Court to implement reforms aimed at improving the efficiency and performance of its activities at all stages of the judicial process, as well as efforts aimed at improving governance and transparency.

The European Union and its member States welcome the actions undertaken by Member States, international organizations and civil society to assist and bolster cooperation with the Court. Furthermore, we appeal to all States to support and facilitate the work of the Court throughout its judicial proceedings. We also welcome the many forms of fruitful cooperation between the United Nations and the Court.

The recent report of the Court describes its efforts to fulfil its mandate and the many positive developments that are taking place as well as the challenges it faces. An ongoing fundamental challenge is the need to ensure cooperation with the Court. Cooperation with the Court and the enforcement of its decisions are indeed essential for the Court to be able to carry out its mandate. This applies not only to all States parties to the Rome Statute, but also when the Security Council has referred a situation to the Court, in accordance with the provisions of Chapter VII of the Charter of the United Nations.

The European Union and its member States fully agree with the Court that the Security Council's prerogative to refer a situation to the Court can help to promote accountability in countries where serious crimes may have been committed, but where the Court would have no jurisdiction to act without action from the Security Council. We note with concern cases of non-cooperation, including in situations referred to the Court by the Security Council. We invite the Council to find ways to improve the implementation of the obligations created by these referrals, particularly with respect to the situations in Darfur and in Libya.

Non-cooperation with the Court hampers its ability to deliver justice. We urge all Member States to take coherent and decisive measures to encourage full and appropriate cooperation with the Court, including

through the prompt implementation of arrest warrants. We note with concern that arrest warrants for 15 individuals remain outstanding. We also reiterate the importance of States refraining from harbouring or hiding the perpetrators of the most serious crimes, and of their taking the steps necessary to bring perpetrators to justice so as to put an end to impunity. Aware of the importance of cooperation in the fight against impunity, we welcome the 20 October Paris seminar on financial cooperation with the Court, which was organized by the French and Senegalese Ambassadors to The Hague.

It is important to persevere in the efforts deployed to reduce the difficulties facing the Court. At the same time, it is also important to recognize and welcome the very positive aspects of the work that the Court has accomplished. In particular, with regard to victims, the European Union, a strong supporter of the Court, wishes to highlight the Court's activities on their behalf, in particular the fact that 2,089 victims have been allowed to participate in Court proceedings. In addition, the Court received 13 new applications for victims' participation in proceedings, 2,207 requests for reparations and 2,505 claims covering both reparations and participation in proceedings.

We especially welcome the strengthening of the ICC Trust Fund for Victims, which is a key pillar of the work of the ICC, and we express the full support of the European Union to the Fund, which contributes to the achievement of an inclusive and lasting peace by helping the victims who are beneficiaries of the Fund to return to a dignified and fruitful life in their communities.

We particularly welcome the assistance projects aimed at providing support to survivors of crimes under the Rome Statute in northern Uganda and the Democratic Republic of the Congo, as well as the launch of an assistance programme for victims in Côte d'Ivoire.

The universality of the Rome Statute is essential to ensure accountability for the most serious crimes affecting the entire international community. Today, more than ever, the world needs the ICC, and the ICC needs the support of all countries. That is why we call on all States Members of the United Nations that have not yet done so to consider ratifying or acceding to the Rome Statute, thus demonstrating their commitment to the fight against impunity, the prevention of atrocities and the strengthening of international law and the rule of law. During the reporting period, the European Union continued its efforts aimed at promoting the universality of the Rome Statute and the Agreement on the Privileges and Immunities and at improving understanding of the mandate of the Court.

Next year's twentieth anniversary of the adoption of the Rome Statute will be a good opportunity to urge the international community to engage in a more concerted collective effort in support of the Court. The European Union and its member States are committed to continuing to work with all partners to further strengthen the International Criminal Court and, more generally, international criminal justice.

**Mr. Tenya Hasegawa** (Peru) (*spoke in Spanish*): Peru reaffirms its commitment to fighting impunity and to the work of the International Criminal Court (ICC), a judicial institution that, in accordance with the principle of complementarity, is fundamental to efforts to prevent serious crimes from going unpunished. For this reason, we welcome the report of the International Criminal Court on its activities during the 2016-2017 period (see A/72/349), presented today to the General Assembly by the President of the Court, Judge Silvia Fernández de Gurmendi, as well as the report on information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/72/342).

Furthermore, my delegation looks forward to the adoption by consensus of the draft resolution on the report of the ICC (A/72/L.3), which we have also co-sponsored. In this regard, my delegation believes that there is a convergence between the values and ideals of the Rome Statute and the principles and purposes of the Charter of the United Nations.

Acknowledging the work of the bodies of the International Criminal Court pursuant to the Rome Statute, we wish to state — as a recent sign of our concrete support — that Peru ratified this year the Agreement on the Privileges and Immunities of the Court, which promotes compliance on Peruvian territory with the mandate of the Court and its personnel. Indeed, this work is reflected in the substantial caseload taken up by the Court since the beginning of its operations, namely, 25 cases and investigations in 10 situations, as well as 10 preliminary examinations currently being undertaken by the Office of the Prosecutor.

Notwithstanding the ICC's outstanding performance, we recognize that international criminal

justice continues to be a goal to which we aspire and that the Court needs the constant support and decisive cooperation of States. Indeed, political support must come not only from the States parties to the Rome Statute, but from all States Members of the United Nations. Likewise, the States parties to the Statute have a legal obligation to provide assistance to the Court, including through the arrest and surrender of individuals subject to outstanding arrest warrants. In addition, we highlight the importance the Court attaches to the participation of victims in its proceedings. This participation is essential to help fulfil the Court's mandate and must be guaranteed at all stages of the process, be it individual or collective participation.

Peru recognizes that the Court could be more effective and therefore supports the adoption of practical measures consistent with the Rome Statute that streamline processes, thereby improving the Court's effectiveness, including the proposed amendments, as long as they do not undermine due process or the rights of parties and victims. We also wish to state our concern about the Court's financing, particularly in relation to those cases referred to it by the Security Council, pursuant to article 13 (b) of the Statute.

My delegation wishes to reiterate the need to move forward towards comprehensive reform of the Security Council, in particular with regard to its working methods and the use of the veto, which is relevant in the light of the imperative to prevent atrocious crimes. Peru therefore supports the initiatives of France and the Accountability, Coherence and Transparency group on the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes.

With regard to the relationship between the International Criminal Court and the Security Council, my delegation wishes to highlight the need to continue strengthening their interaction and encourages increased cooperation between them, including, if possible, between the Council's sanctions committees and the Court.

As a member delegation of the Informal Ministerial Network for the International Criminal Court, we attach importance to the universality of the Rome Statute and urge the 71 Member States that have not yet done so to consider ratifying the Statute. Accordingly, we express our concern over the possibility that some States may choose to withdraw from the Rome Statute.

Peru is a peaceful and stable country that, thanks to the implementation of genuine accountability mechanisms, has overcome some serious internal conflicts. Such mechanisms are the best way to prevent the recurrence of serious violations of human rights and international humanitarian law.

Looking to the future, we believe that accountability and the fight against impunity are reflected in the 2030 Agenda for Sustainable Development, in particular within Goal 16. The Agenda is an important platform for promoting international justice within the framework of the rule of law and access to justice at the national and international levels.

**Ms. Kuret** (Slovenia): Slovenia welcomes today's debate on the activities of and latest developments in the International Criminal Court (ICC). Slovenia aligns itself with the statement just made by the European Union. In the light of the importance of the subject matter before us, we would like to make some additional comments.

Slovenia joins others in thanking President Fernández de Gurmendi for joining us here today and for her helpful briefing on the latest report of the Court (see A/72/349). As a long-standing supporter of the ICC, Slovenia takes this opportunity to reaffirm its strong support for the Court.

We note with appreciation that the Court has continued to handle a heavy workload as it pursues its work on the situations that spread across many regions of the world. It opened a new preliminary examination of the situation in Gabon, following its referral and sustained important efforts with respect to international cooperation and outreach activities.

With victims being at the centre of the Rome Statute system, we are particularly pleased to note the positive developments concerning reparations to victims. Assistance to victims and reparations for their suffering and loss are essential for justice to be truly meaningful. The Trust Fund for Victims plays an important role in that respect, and, recognizing the increased activities and needs of the Trust Fund, I am pleased that Slovenia has recently made a financial contribution to it.

We would also like to welcome the ratifications of and accessions to the Kampala amendments to the Rome Statute. As the second State to have both ratified and implemented the Kampala amendments, Slovenia

continues to promote the universality of the Rome Statute and the Amendments thereto.

We express our strong support for the swift activation of the Court's jurisdiction over the crime of aggression, which is expected this year. That is the final step needed for the historic achievement in Kampala to be brought to life. My country is convinced that the States parties to the Rome Statute will be able to meet that goal.

The ICC is the only permanent international criminal court that serves the fundamental purpose of offering justice to victims when States are unable or unwilling to do so. Slovenia is particularly reassured that following last year's announcements of decisions to withdraw from the Rome Statute, two Member States have revoked their decisions and thus continue to play a role within the Assembly of States Parties. In that context, Slovenia wishes to highlight the importance of making continuous efforts against the culture of impunity and stresses the significance of the primary responsibility of States to combat impunity in good faith.

A great portion of this year's report focuses on international cooperation, and rightly so. The ICC is certainly the key international institution for administering criminal justice. However, lacking enforcement powers and outreach capacities, it depends greatly on the cooperation and support of States and civil society, as well as of regional and international organizations.

Slovenia greatly values the many forms of mutual cooperation between the United Nations and the ICC, both in headquarters and in the peacekeeping missions and other United Nations presence in the field. United Nations support is crucial, ranging from information exchange and provision of services, facilities and field support, to cooperation from the senior leadership of the United Nations. Slovenia is pleased to note that cooperation between the United Nations and the ICC is generally exemplary. At the same time, we recognize room for improvement.

Slovenia welcomes the Secretary-General's call in the latest report on the rule of law (A/72/268) to address the outstanding challenges regarding the efficiency and sustainability of international accountability mechanisms. In that context, Slovenia considers that increased cooperation between the Security Council and the ICC would contribute significantly to preventing atrocity crimes, as well as to the effectiveness and credibility of the Court.

The roles of the Council and the Court are inherently interrelated. For example, the Council has the capacity to play an important part in addressing non-cooperation with the Court. It can contribute to the Court's effectiveness through its work on sanction-related matters, such as travel bans and the freezing of assets. Moreover, active follow-up by the Council on its referrals to the ICC would decisively contribute to the Court's effectiveness.

Despite the fact that, admittedly, some of the outstanding issues are more challenging — such as the matter of funding with respect to the situations referred to the ICC by the Council — that should not preclude us from addressing them. With a view to exploring avenues for improved cooperation between the United Nations and the ICC, Slovenia would welcome open exchange and structured dialogue between the Council and the Court. The fast-approaching twentieth anniversary of the adoption of the Rome Statute is an appropriate opportunity to call for increased efforts to that end.

Cooperation with the ICC by States parties to the Rome Statute, as well as by States that are not parties in the case of Security Council referrals, is not a policy choice. It is an international legal obligation. Slovenia is concerned that 15 arrest warrants issued by the Court remain outstanding, some of them for several years. That is a serious obstacle to the Court's mandate and credibility. It is clear that more should be done by States to ensure the execution of outstanding warrants. Slovenia therefore calls for full and prompt cooperation with the Court.

The Court's efficiency and integrity are also critical for its credibility. In that regard, Slovenia welcomes the continuous efforts within the Court to introduce further improvements to the efficiency and effectiveness of its proceedings. We recognize the importance of addressing the challenges facing the Court. The Court is not exempt from criticism, and it has already lived through some challenging moments. In that context, Slovenia underlines the important role of internal processes and of the Independent Oversight Mechanism of the Court. We place our trust in the Mechanism and are confident that through its work the Court will continue to reinforce its integrity.

Our common goal should be an impartial, independent, universal and effective ICC that delivers

high-quality judgments and places victims at the centre of its tasks. That will require joint efforts by all stakeholders. Slovenia remains firmly committed to the rule of law and international criminal justice and stands ready to contribute to further strengthening international criminal justice.

**Mr. Bessho** (Japan): I would like to begin by thanking President Silvia Fernández de Gurmendi for her dedication and leadership, as well as for the comprehensive report (see A/72/349) on the work of the International Criminal Court (ICC). I would also like to thank Mexico for preparing and introducing today's draft resolution (A/72/L.3). Japan is happy to co-sponsor the draft resolution and strongly hopes that it will be adopted by consensus.

Japan is committed to the fight against impunity and to supporting the International Criminal Court. Earlier this year, the President of the ICC, Judge Silvia Fernández de Gurmendi, visited Tokyo and met with Prime Minister Abe and other high-level officials of the Government of Japan. In their discussions, they talked about the importance of promoting the universality of the Rome Statute, especially in the Asia-Pacific region. Prime Minister Abe reiterated Japan's support for the ICC and expressed his hope that it will play a greater role, thereby contributing to the establishment of the rule of law in the international community.

Japan's core policy towards the Court is to enable it to function effectively and sustainably with the support of the international community. Japan is proud to be the largest financial contributor to the Court. We are also dedicated to supporting the Court through capable human resources, including judges. Two Japanese staff have also joined the ICC for the first time this year through its new Junior Professional Officers programme.

Japan believes that the ICC has contributed to steady progress in international justice. The Court has been exercising its jurisdiction over 10 situations, and 10 preliminary examinations are ongoing. Nevertheless, we are aware that financial and human resources are limited, and we believe that they should be used efficiently. With that in mind, the Japanese Ambassador to the Netherlands, Mr. Hiroshi Inomata, has been working with Chile to co-chair the Study Group on Governance to enhance the efficiency of the Court. We also welcome the ICC's efforts to improve the efficiency of proceedings, including through a retreat for the judges. We strongly believe that those exercises undertaken by the States parties and the Court can help alleviate its workload.

Japan strongly believes that to ensure that the ICC effectively promotes the rule of law around the world, more countries should join the ICC. In the long run, the ICC should aim at becoming a truly universal criminal court so that it can gain strong support for its work. We therefore welcome the decisions by The Gambia and South Africa to rescind their withdrawal from the ICC. In order to maximize support from a greater number of States, the ICC and its States parties should continue to listen to the various concerns expressed and make efforts to enhance the ICC's universality.

In that regard, we welcome the understanding on the participation of observer States in meetings of the Assembly of States Parties. We hope that will lead to more States becoming parties to the Rome Statute. Also in the same vein, in August this year, Japan, together with the Netherlands and the ICC, hosted an outreach event in Tokyo involving non-States parties in the Asia-Pacific region to share Japan's experience in acceding to the Rome Statute and harmonizing its domestic legislation with it. In April, Ambassador Tomoko Akane — Public Prosecutor, Supreme Public Prosecutors Office of Japan and candidate for ICC judge — also shared Japan's experience with non-States parties at an ICC high-level regional seminar held in Seoul for the same purpose.

Discussions are ongoing on the activation of the ICC's jurisdiction in the crime of aggression. I would like to express my gratitude to the facilitator of the process for all the excellent work in steering the facilitation with professionalism and dedication, which is not an easy task.

Reiterating the importance of legal clarity, we strongly hope that the Assembly of States Parties remains united for the effective and sustainable functioning of the ICC. Japan stands ready to continue to engage actively in the discussions in order to work towards a consensus-based solution.

Japan will continue to strongly support the ICC's work in the fight against impunity. Earlier this year, we were pleased to donate the Peace and Justice Bell to the Court as a symbol of this ongoing commitment. We hope that the Bell will serve as a reminder to all visitors to the Court that we all strive for peace and justice through supporting the important work of the ICC.

**Mr. Castro Córdoba** (Costa Rica) (*spoke in Spanish*): My delegation thanks Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, for the presentation of the report on the activities of the Court for 2016-2017 (see A/72/349), pursuant to article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of resolution 71/253.

The International Criminal Court is undeniably the most important achievement of international justice. It was born from the will of the international community to put an end to impunity for the most serious crimes against humanity and to deliver justice to their victims. Its very essence and its main strength derive from the fact that the yearning for justice is universal. The world requires that there be no State where impunity is allowed.

Therefore we welcome the actions intended to bring about the universality of the Rome Statute and its amendments. In that regard, we congratulate Portugal and Argentina for having ratified the Kampala amendments on the crime of aggression, bringing the number of ratifying States to 34. Costa Rica also welcomes the fact that South Africa and The Gambia have reconsidered their decisions to withdraw from the Court, and we urge all States parties to continue working to achieve universality.

With regard to the victims, my delegation recognizes and welcomes the fact that the Trust Fund and its implementing partners at the local level are continuing to provide assistance to more than 455,000 victims, in both Uganda and the Democratic Republic of the Congo, by providing physical and psychological rehabilitation services and material support to survivors of crimes defined in the Statute. We are also struck by the fact that in the reporting period, the Court has received a total of 4,725 requests for participation or reparation from victims. That is a reflection of the importance and the central role of the Court for the victims of the most heinous crimes under international law.

Returning to the common goal of ending impunity for heinous crimes, we cannot forget that the Court undeniably functions pursuant to the principle of complementarity. It was not established to replace national courts in their functions. Here, we need to reaffirm that the primary obligation to put an end to impunity for the most heinous crimes falls to States in the responsible exercise of their sovereignty.

State sovereignty imposes obligations, among them that of investigating and prosecuting crimes committed under the State's jurisdiction. Pursuant to article 17, paragraph (a) of the Statute, only when a State party "is unwilling or unable genuinely to carry out the investigation or the prosecution" is it possible for a matter to be brought before the International Criminal Court. For that reason, complementarity is therefore an essential element in the machinery of international justice.

However, it is vital to be clear that when the jurisdiction of the Court applies, States parties must comply with the unrenounceable duties arising from the Rome Statute. It is particularly serious when non-compliance results in the refusal to provide the required support to the investigations of the Office of the Prosecutor, preventing or hindering access to evidence, which can disrupt a process, opening the way for impunity. Likewise, the fight against impunity is hindered whenever a State party fails in its obligation to carry out arrest warrants. The lack of cooperation with the Court in carrying out such orders also impedes the justice that the victims demand and deserve.

Non-cooperation with the Court under the argument that it is not impartial because a high percentage of its cases are in the same region is not acceptable. It is time for us to change our narrative. Those who make that argument fail to recognize that the situations in Mali, Côte D'Ivoire, Uganda and the Democratic Republic of the Congo and the two in the Central African Republic were referred to the Court by the Governments of those countries. As for the situations in Libya and the Sudan, they were referred by the Security Council. Only 2 out of 10 situations were initiated by the Court itself: the situations in Kenya and Georgia. It would be absurd to claim that the Prosecutor's Office rejects referrals from States parties in order to maintain a geographical balance in their cases.

Since its inception, the Court has dealt with a total of 25 cases and carried out investigations in 10 situations. In addition to its investigations, the Office of the Prosecutor is currently conducting 10 preliminary examinations, including a preliminary investigation submitted by the Gabonese Republic on alleged crimes committed in its territory since May 2016.

To be able to continue complying with its mandate, the ICC requires the support and cooperation of the entire international community, in particular the

United Nations, with which it shares the ideals of accountability, the protection of human rights and the maintenance of international peace and security. In that regard, we welcome the fact that the Court had the valuable cooperation of the United Nations on various issues, such as operational assistance in the field, the provision of United Nations personnel for interviews and, on several occasions, for testimonies, and the disclosure of information by the United Nations, provided on a reimbursable basis.

However, my delegation reiterates the need for the United Nations to participate in financing the referrals by the Security Council to the Criminal Court. The Charter of the United Nations holds the Council responsible for the maintenance of international peace and security, and by assuming those referrals, the Court is helping that organ to fulfil its mandate. In those cases of cooperation, article 13 of the Relationship Agreement between the Court and the United Nations, which provides for the economic contribution of the United Nations, must apply.

To conclude, Costa Rica wishes to emphasize its complete support for the Criminal Court and its commitment to continue supporting the universalization, independence and integrity of the Court so that, in conjunction with the other States parties, and with the support of the community of nations, we guarantee respect for and the fulfilment of international justice.

**Mr. Racoviţă** (Romania): Further to the statement delivered by the European Union, to which Romania subscribes fully, the Romanian delegation would like to thank President Fernández de Gurmendi for her thorough presentation and the International Criminal Court (ICC) for its annual report submitted to the United Nations (see A/72/349).

While the International Criminal Court is still under development and has not reached its full potential, we agree that the Court has established itself as an integral part of the international legal system. The existence of the ICC represents an important guarantor of the rights of the millions of victims of atrocity crimes around the world and provides an essential contribution to the fight against impunity and the establishment of the rule of law.

The heavy workload highlighted in this report points yet again to the need for a permanent international criminal court and to the importance of enhancing the Court's efficiency and effectiveness. In that respect, we welcome the reform measures undertaken to improve the performance and governance of the International Criminal Court and encourage their further implementation. We also note the rising number of situations submitted by States, which we see as a sign of increasing trust in the Court's capacity to deliver high-quality justice. As it navigates in politically tense environments, the independent judicial machinery of the ICC is staying the course. Yet, challenges persist, and more efforts should be made to ensure full and prompt cooperation with the Court, especially with regard to arrests and the surrender of suspects.

We welcome the fact that the Court continues to receive valuable support from the United Nations, both from Headquarters and from United Nations missions in the field. At the same time, we express support for actions meant to further explore and strengthen cooperation between the Court and the Security Council in the area of preventing the commission of crimes under the Rome Statute and in facilitating the arrest of suspected individuals. In that context, we caution against the negative effects on the credibility of the criminal justice system caused by the lack of follow-up by the Security Council to reported instances of non-cooperation in the case of its own referrals to the ICC. Consequently, we join the calls for finding appropriate ways to address this problem.

On a general note, we support the activities aimed at enhancing judicial cooperation and at garnering diplomatic support and greater awareness of the Court's mandate. While each State should deliver on its legal obligations stemming from the Rome Statute and/or resolutions of the Security Council, the ICC, together with supportive States, should invest in communicating better about its work, including in direct dialogue with the countries concerned and in addressing lingering misperceptions.

Achieving the universality of the Rome Statute remains a long-term goal, to be pursued jointly by the Court and the States parties. We welcome the decisions by South Africa and The Gambia to reverse their previous decisions to withdraw from the 1998 Statute. Those latest developments have demonstrated the need for more constructive dialogue with States so as to understand and address their concerns, without affecting the integrity of the Statute. Prosecuting high-profile individuals for atrocity crimes is inherently marred by political and practical challenges, but we should all keep in mind the victims of unspeakable crimes, who

place their ultimate trust in the international justice system. It is in that spirit that Romania will continue to actively promote the ratification and effective domestic implementation of the Rome Statute and the Agreement on Privileges and Immunities of the Court.

As the ICC is a court of last resort, Romania strongly supports the Rome Statute system based on the principle of complementarity. Given that States carry the primary responsibility to investigate and prosecute the crimes defined in the Rome Statute, strengthening their capacity to do so effectively is crucial to the global fight to end impunity. As a country focal point for complementarity since February 2017, Romania has been working to facilitate the exchange of information between the Court, States parties and other relevant stakeholders aimed at strengthening domestic jurisdictions, including on complementarity-related capacity-building activities.

The activity of the Court should not be evaluated in simplistic, quantitative terms, but with due consideration to its long-term impact, serving as a deterrent to the most serious crimes under international law and as a powerful tool to advance the culture of accountability globally.

**Ms. Bird** (Australia): When we met to consider this agenda item a year ago, Australia acknowledged that the International Criminal Court (ICC) was facing more challenges than ever before and the need to work with States that had raised concerns. While that work is ongoing — and we are disappointed by Burundi's withdrawal from the Rome Statute — we welcome the decisions of The Gambia and South Africa to rescind their withdrawals.

We also welcome the fact that States parties, civil society and individual citizens around the world have rallied around the ICC to confirm their commitment to the Court. Above all, we welcome the fact that the Court has not wavered in seeking to fulfil its mandate and has made significant progress in the fight to end impunity over the past year, as demonstrated by the report that President Fernández de Gurmendi has presented today (see A/72/349).

However, we do not pretend that no more challenges lie ahead. The ICC's mandate to hold to account those most responsible for serious international crimes — who all too often are among the most powerful — is likely to mean that the Court will always have more than its fair share of critics. States parties must engage in greater outreach to help explain the Court's mandate and build support for its work. Australia will continue to work with all States to ensure that the Court is the strongest possible institution that it can be.

The ICC and the United Nations are striving to achieve the same goals. In the Preamble to the Charter of the United Nations, the goal is framed as saving succeeding generations from the scourge of war. The preamble of the Rome Statute expresses it as a determination to put an end to impunity for the perpetrators of unimaginable atrocities that deeply shock the conscience of humankind. Just as the maintenance of international peace and security is the first purpose of the United Nations — as listed in Article 1 of the Charter — the Rome Statute makes clear that the crimes over which the ICC has jurisdiction threaten the peace, security and well-being of the world, and that effective prosecution will contribute to the prevention of such crimes.

The point is that the ICC is a key partner of the United Nations. As a key partner, it is critical that the United Nations provides the ICC with the support it needs to deliver on its mandate. We welcome the support provided to the Court by the United Nations and encourage the Secretary-General to continue to enhance cooperation in accordance with the Relationship Agreement.

We have, however, heard the Prosecutor's repeated requests for effective Security Council follow-up and support each time she briefs the Council on the situations the Council has referred to the ICC under resolutions 1593 (2005) and 1970 (2011). It is essential that referrals be accompanied by the Council's clear demonstration of ongoing political support to emphasize the shared goal of ending impunity, reiterate the obligations that States are under to cooperate with the Court, and minimize any possible perception that the ICC is subject to the will of the Council. We are disappointed that that support has not yet been forthcoming, and we call on the Security Council to provide the necessary support to the Court.

If we are committed to reorienting this Organization to focus on prevention, we must not neglect the deterrent effect of consistent and reliable justice. When States with jurisdiction are unable or unwilling to investigate and prosecute Rome Statute crimes, the ICC has a critical role to play.

Would-be perpetrators will think twice if they know that the General Assembly stands behind the ICC and that the international community is serious about holding to account those responsible for serious international crimes. Victims will no longer feel ignored if their voices are heard. Affected communities will start to heal if accountability is used to break cycles of violence. For that reason, we urge those Member States that have not already done so to ratify the Rome Statute. We also call on the General Assembly to fulfil its role in the vital partnership between the ICC and the United Nations.

**Mr. Weckowicz** (Poland): Poland aligns itself with the statement made by the observer of the European Union on behalf of its member States. We would like to supplement that statement with a few comments in our national capacity.

At the outset, allow me to thank President Fernández de Gurmendi for her thorough briefing on the Court's activities in the reporting period. The International Criminal Court (ICC) has strived to maintain the highest standards of proceedings and proved again its importance in delivering justice to the victims. For that, we commend the Court.

We also applaud the efforts to enhance the efficiency of the Court and to expedite its work. Poland had the honour of hosting the judges of the Court in May during a judicial retreat in Kraków, where those issues, among others, were discussed. During their stay, the judges also visited the Auschwitz-Birkenau Memorial and Museum — the former Nazi concentration and extermination camp where the most serious crimes were committed.

Obviously, the Court cannot deliver justice on its own, hence the importance of complementarity, cooperation and the assistance of States. Moreover, the connection should be recognized between the rule of law, respect for international law, and support for criminal justice mechanisms. In our view, not only can the ICC contribute to the fight against impunity and to the prevention of the most serious crimes, it can also play a vital role in upholding international law and rules-based order in challenging times. That is one more reason to lend the ICC all possible support.

We have no doubts that bringing to justice the perpetrators of the most serious crimes is one of the factors that may foster peaceful coexistence among nations, and that the International Criminal Court can also serve that aim. Poland, which is an incoming member of the Security Council for 2018-2019, recognizes that a more productive cooperation between the Council and the Court could render a significant service to the cause of international peace and security.

The Rome Statute creates a system in which States are equal in their rights and obligations and in which every State is free to join or leave. While 124 is a significant number of accessions or ratifications, Poland hopes that that number will increase and supports the universalization of the Statute. We welcomed the news about the Republic of South Africa and The Gambia revoking their decisions to withdraw from the Rome Statute.

We would like to underline our commitment to activating the ICC's jurisdiction over the crime of aggression. The Review Conference of the Rome Statute took place already seven years ago in Kampala, and since then 34 States parties, including Poland, have ratified the amendment. There is only one final condition that needs to be met in order to accomplish activation, and Poland hopes that the Assembly of States Parties to the Rome Statute will approve the activation of the Court's jurisdiction in December this year.

Throughout history, Poland has repeatedly fallen victim to aggression. Its inhabitants have suffered unprecedented crimes perpetrated by invaders — particularly during the Second World War. It is our dream to save others from such cruelties, and the Kampala amendments to the Rome Statute on the crime of aggression are a step in the right direction.

Poland supports the ICC in its efforts to achieve justice and peace in different parts of the world in the belief that the international community should draw conclusions from history, do its best to prevent the suffering of innocent people and bring those responsible for it to justice. Strengthened cooperation between the Court and international actors could serve those lofty aims. Let us work further towards their fulfilment.

**Mr. Wenaweser** (Lichtenstein): I would like to thank President Fernández de Gurmendi for her outstanding service to the cause of international criminal justice. This is the last time that she will present a report of the Court to the Assembly, and we will miss her.

The Rome Statute is nearing the twentieth anniversary of its adoption. Its history has been eventful, and it has been a success. The difficult

agreement reached in Rome was followed by a very fast ratification process. A wave of collective enthusiasm and strong commitment to multilateralism carried the Court forward at an unexpected speed. However, the Court also soon experienced strong opposition, a systematic effort to undermine its independent functioning, and those political headwinds have continued to this day. That should come as no surprise. The Court's mandate is to investigate and prosecute the most serious crimes under international law. Its policy is to identify the individuals who bear the largest responsibility for those crimes. Those individuals can be in very powerful positions, including Head of State. That is almost bound to result in political opposition and attacks against the very mandate of the Court.

The Court does not find itself in a confrontation with a particular region of the world. Rather, it is a confrontation with those who believe that some individuals should be beyond the reach of the law — a view that continues to exist in all parts of the world, even though it is firmly rejected by both the letter and the spirit of the Rome Statute. In speaking for the Court today, we are therefore not simply defending a landmark achievement in the history of international law; we are also speaking law to power.

A few weeks from now, States parties to the Rome Statute will have the opportunity to do the same, to speak law to power on an issue whose relevance could not be more obvious today: criminalizing the most serious forms of the illegal use of force. Regulating the use of force was one of the key objectives in creating the United Nations, and it also stood at the beginning of the international criminal justice project — the trials conducted in Nuremberg and Tokyo.

At the Rome Conference, many States felt that the greatest international criminal-justice project could be complete only if the crime of aggression was part of it. After very difficult discussions, the crime was indeed included as one of the four core crimes in the jurisdiction of the Court. However, exercise of jurisdiction was deferred until agreement on a definition was found. That agreement was reached, after years of painstaking legal work, at the Review Conference on the Rome Statute that took place in 2010 in Kampala. States adopted by consensus all the relevant provisions for the Court to be able to exercise jurisdiction over the crime of aggression. Those same States also agreed that the Kampala amendments would be activated once at least 30 States had ratified them and no earlier than 1 January 2017. With 34 ratifications in place, we are now finally in a position to make that historic decision.

The main features of the Kampala amendments are worth recalling. Only persons in leadership positions are criminally accountable. Not all forms of the illegal use of force lead to criminal accountability; only the most serious forms that constitute by their character, gravity and scale a manifest violation of the Charter of the United Nations amount to acts of aggression.

The Court can investigate on the basis of a Security Council determination, in accordance with Article 39 of the Charter. However, more importantly, in the absence of such a determination, the Court can still become involved as a result of relevant findings of the Court itself. The amendments thus fully safeguard the judicial independence of the Court.

Finally, while the nationals of non-State parties are exempt from the Court's jurisdiction altogether, the jurisdiction does apply between States parties if two conditions are met. First, one of the States involved in the conflict must have ratified the Kampala amendments. Secondly, the State alleged to have committed the act of aggression must not have declared that its nationals are not subject to the Court's jurisdiction.

This briefly illustrates the key features of the Kampala amendments. First, they are to a very large extent based on pre-existing international law, just like the rest of the Rome Statute. Secondly, the scope of jurisdiction agreed in Kampala is deep, and it is narrow. It excludes, most significantly, all nationals of the 70 States that have yet to join the Rome Statute — in stark contrast to the rest of the jurisdiction foreseen under the Rome Statute. In addition, it also gives States parties the policy choice not to subject its nationals to the Court's jurisdiction, even if they are to commit the crime of aggression on the territory of a State that has ratified the amendments. The Kampala consensus thus bears all the hallmarks of compromise, which can come as little surprise, given the legal and political difficulties of the project as a whole.

There has been much talk recently of the application of the Kampala regime to States parties that have not ratified the amendment. The solution agreed upon in Kampala is straightforward: while the amendments indeed bind only the States that have ratified them, ratifying States at the same time enjoy the legal protection against crimes of aggression committed on their territory. That simply reflects the principle of

territoriality, which in fact guides the Rome Statute as a whole.

That said, we are confident that our efforts to bridge that difference of opinion among States parties will be successful in the next few weeks. We are very much committed to reaching that goal with States parties. The activation of the Kampala amendments will send a strong message of the common sense of purpose among States parties and illustrate the importance of multilateralism. It will not only complete the Rome Statute in its original conception, but it will also complement the Charter of the United Nations.

**Mr. Cho Tae-yul** (Republic of Korea): At the outset, I would like to express my sincere appreciation to President Silvia Fernández de Gurmendi for her comprehensive presentation of the report (see A/72/349). My delegation also commends the joint efforts by the presidency, the Chambers, the Office of the Prosecutor and the Registry to help achieve an end to impunity for perpetrators of the most serious crimes of concern to the international community through various means, including the improvement of the functioning of the Court in a more efficient and effective manner.

Among the remarkable achievements the Court has made so far, we note that it issued a judgment on charges of offences against the administration of justice, the first ever in its history. We also welcome the contribution made by the Trust Fund for Victims, which has helped alleviate the pains of almost half a million victims.

With the twentieth anniversary of the adoption of the Rome Statute less than a year away, now is the time for the United Nations and the Court to work more closely together and to reassert the relevance and the importance of international criminal justice in securing the rule of law and international peace and security.

The International Criminal Court (ICC) was established as an independent permanent court in relationship with the United Nations. The fundamental tenet of this relationship envisioned in the Rome Statute is encapsulated in the reaffirmation of the purposes and principles of the Charter of the United Nations in the preamble of the Statute, which has been faithfully upheld and implemented in the actual practice of the Court.

Indeed, we cannot overemphasize the significant role that the ICC has played through its work to sustain the three pillars of the United Nations, namely, peace and security, development, and human rights. Securing criminal justice for perpetrators of heinous crimes that shock the conscience of humanity constitutes part and parcel of the rule of law, which provides a solid basis for the successful implementation of the 2030 Agenda for Sustainable Development. For that reason, we support the ongoing cooperation between the Court and the United Nations on various levels, as set out in the report and presentation.

While the progress made on its path to ending impunity is quite remarkable, the Court has also faced a harsh reality on various fronts. To firmly establish itself as a robust and reliable institution for international criminal justice, the Court should overcome considerable challenges, with the help of various stakeholders, most notably States parties.

First, as an international court, the ICC cannot sustain itself without the active cooperation of multiple stakeholders, especially States parties, at each and every step of the process. To promote efforts towards universality and to enhance cooperation with States, it is critical that the Court further reach out to interested regions, States and relevant organizations. In that context, the eighth high-level regional seminar on fostering cooperation with the Court, which was held in Seoul in April, provided an invaluable opportunity for enhanced understanding of the ICC on the part of Asia-Pacific States.

While the cooperation between the ICC and States parties is vital for the proper functioning of the system, it is also indispensable for the Court to secure cooperation vis-à-vis the Assembly of States Parties, the United Nations and other international organizations, civil-society organizations and non-party States. Against that backdrop, it is regrettable that the Court-issued requests for arrest and surrender are still outstanding for 15 individuals. That requires tremendous and unyielding efforts by all of us, as exemplified by recent instances of non-cooperation.

Secondly, the success of our fight against impunity hinges not only on adequate cooperation but also on the universal application of the Rome Statute. The number of States parties to the Rome Statute has more than doubled since its entry into force in 2002, a remarkable achievement indeed. Nevertheless, the number still falls short of two thirds of the Members of the United Nations. The wider participation of States in the Rome

Statute would undoubtedly lead to stronger support for the Court. In that respect, we welcome the wise decisions of The Gambia and South Africa concerning their respective membership of the ICC family. We also encourage the remaining State to follow suit.

Thirdly, given the ever-increasing caseloads that the Court faces today, it is imperative that the ICC improve efficiency at various stages, while not losing sight of the importance of striking a balance between fairness and expediency. In that regard, we appreciate the Court's continued focus on streamlining its procedures by updating the Chambers Practice Manual with additional best practices, as well as by adopting meaningful amendments to the Regulations of the Court. Such initiatives are conducive not only to enhancing the effectiveness and efficiency of the functioning of the Court but also to garnering the broader support and trust of States parties.

The Republic of Korea has been a staunch supporter of the ICC since its inception. We will continue to be an important part of the concerted efforts of the international community to establish the ICC as a responsible, universal and efficient institution to end impunity for perpetrators of the most serious crimes against humanity. In that vein, we have full confidence in the able and accommodating leadership of the incoming President of the Assembly of States Parties, Mr. O-Gon Kwon, and we will provide adequate assistance to him in discharging his important duty.

Before concluding my remarks, I would like to commend the vital role of President Silvia Fernández de Gurmendi in leading the Court towards maturity as a dedicated President and as a passionate judge of the Court for the past nine years.

**Mr. García Moritán** (Argentina) (*spoke in Spanish*): It is a great pleasure for me to address the Assembly with you, Sir, in the Chair.

At the outset, I would like to express the great appreciation of the Argentine Republic at receiving this new report of the President of the International Criminal Court, our compatriot Silvia Fernández de Gurmendi, to whom we pay tribute for her tireless work as President of the Court. I also wish to express my great appreciation for reports of the Secretary-General on the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/72/342) and on the expenses incurred and reimbursement received by the United Nations in connection with assistance provided to the International Criminal Court (A/72/372).

We look forward to the adoption this year of the draft resolution on the report of the International Criminal Court (A/72/L.3), in conjunction with the presentation of the report of the Court by the President and the debate on the relevant agenda item.

The Court, through the laudable work that it has carried out since the last presentation of the report (see A/71/PV.37), has once again factually demonstrated that it is a fundamental tool in the fight against impunity and an essential element of the rule of law at the international level. On the eve of the twentieth anniversary of the adoption of the Rome Statute, Argentina reaffirms its ongoing commitment to the Court and to the universal nature of the Statute. Such support by Argentina is evident in various ways, among which we would note the signing of cooperation agreements with the Court — one on the issue of witness protection, signed on 21 November 2016, and another agreement related to the enforcement of sentences, which was signed on 18 April 2017.

Argentina has also ratified the Kampala amendments on the crime of aggression and welcomes the fact that the threshold of necessary ratifications has been reached to enable the Court to exercise its jurisdiction over that crime. Argentina resolutely supports the triggering of such jurisdiction by the Assembly of State Parties in December 2017 without prejudice to or reopening of the agreements reached in Kampala. Such triggering will complete the judicial structure of the Court, reaffirming the prevalence of law and justice over force in international relations.

We welcome the fact that the Court has been able to develop its activities relating both to preliminary examinations and to situations and cases in the discharge of its mandate within the limits of allocated resources. In that regard, we call on all Member States to become parties to the Rome Statute and to bear in mind the particular nature of the International Criminal Court when assessing its annual budget so that the budget may be approved at the next Assembly of States Parties, allowing the Court to fulfil its mandate and appropriately perform its crucial functions.

I would like to refer to the relationship of the Court with the United Nations. The relationship between the Organization and the Court is vital, always within respect for the judicial independence of the Court. In

this context, we reiterate some of Argentina's concerns regarding the referrals of situations by the Security Council, particularly the matter of the financial cost of such referrals. Those costs have so far been exclusively borne by the States parties to the Court, despite the clear provisions of the Rome Statute and the Relationship Agreement between the United Nations and the International Criminal Court according to which the cost of referrals must be borne by the United Nations.

The fight against impunity is an objective of the States parties to the Rome Statute and also of the States Members of the United Nations, but that objective must be accompanied by a commitment to provide the Court with the necessary resources to carry out its functions. A lack of action in that regard could jeopardize the sustainability of the Court's investigations and have an impact on the credibility of the Organization. Likewise, we believe that there is scope for a greater and better relationship between the Court and the Security Council, especially regarding the work of the Council's subsidiary bodies such as the sanctions committees or the Working Group on Children and Armed Conflict.

Finally, Argentina wishes to emphasize that the significant contribution of the International Criminal Court in the fight against impunity for the most serious international crimes is also a contribution to the objectives of this Organization. We wish to recall the noble mission and functions of the International Criminal Court in a multilateral system that aims to promote respect for human rights and achieve lasting peace in accordance with international law and the purposes and principles of the Charter of the United Nations. I take this opportunity to once again state Argentina's firm commitment to the International Criminal Court.

**Mr. Hawke** (New Zealand): We thank President Fernández de Gurmendi for her report (see A/72/349) and welcome the opportunity to discuss the contribution of the International Criminal Court (ICC) to international criminal justice and its relationship with the United Nations.

As this will be her last report, we thank President Fernández de Gurmendi for her contribution to the ICC. Under her leadership, the Court has prioritized improving the transparency, efficiency and accountability of the institution. We welcome the progress made in developing objectively measurable performance indicators, and we hope that progress will continue under the leadership of the new ICC President. We were also pleased to welcome President Fernández de Gurmendi to Auckland earlier this year and to see her at the Pacific Islands Forum, which was recently held in Samoa.

New Zealand is a strong supporter of the ICC and its mandate to hold accountable those who commit the most serious international crimes, regardless of where they occur. For that reason, New Zealand remains a supporter of the universality of the Rome Statute and the principle of complementarity. Challenges to the universality of the Court go to its credibility and must be taken seriously. New Zealand has consistently taken the view that we must listen to one another's views and constructively debate concerns raised by all Member States and address them to the extent possible while preserving the integrity of the Court.

Last year, we saw some of the most significant challenges to universality that the Court has experienced to date. To overcome those challenges, we reaffirmed our commitment to meaningful dialogue with the Court and among States parties. Constructive dialogue continued at the Assembly of States Parties under the leadership of our President, His Excellency Sidiki Kaba. We welcomed South Africa and The Gambia's decisions to remain as States parties. We further encourage Burundi to reconsider its withdrawal from the Rome Statute. We hope that with continued engagement, there remains a pathway back to full membership of the Court.

Although we are pleased that the Court has weathered those significant challenges, we must not be complacent. New Zealand remains committed to continuing dialogue that is open, honest, respectful and focused on our common goal of ending impunity. We recognize that achieving this goal will include cooperation at the national, regional and international levels.

New Zealand recognizes the important role the Security Council can play in achieving accountability for international crimes. New Zealand has consistently said that the Council should carefully consider the use of its referral powers to avoid the perception that it is using referrals as a political tool in the midst of a conflict. That only politicizes the Court and can prolong both conflict and impunity.

When the Council decides to refer a situation to the Court, it should do so with a clear commitment to

follow up and ensure that the Court receives support, cooperation and resources to implement Council decisions. In that regard, we share the Court's concern about the lack of follow-up of Council referrals. Failure to take action calls into question the authority of the Council and its decisions. We reiterate that costs incurred by the ICC as a result of decisions by United Nations organs should be attributed to, and accounted from, the United Nations budget, which is provided for under the Rome Statute. We look forward to seeing progress on this issue.

The Assembly of States Parties faces an important milestone with respect to the crime of aggression. The significance of enabling the Court to hold political and military leaders accountable for initiating and engaging in an act of aggression cannot be understated. Accountability for the crime of aggression not only complements the prohibition on the illegal use of force under the Charter of the United Nations by providing for individual criminal responsibility, but is also one of the most significant developments in international criminal law since the establishment of the International Military Tribunal at Nuremburg. As the Assembly of States Parties prepares to bring the crime of aggression amendments into force, New Zealand emphasizes the importance of a consensus decision that supports the wider credibility of the Court.

For our part, New Zealand remains committed to the Court and to working with others to ensure that the Court continues to be, and is seen to be, an effective and sustainable judicial institution.

**Mr. Locsin** (Philippines): We thank President Silvia Fernández de Gurmendi for her comprehensive report (see A/72/349).

The Philippines — a real democracy and a multi-ethnic Christian majority and Muslim minority society that cherishes diversity in all aspects in a spirit of religious and political tolerance that has marked both religions at their best, and whose core values are American — once again reaffirms its commitment to justice and to fighting intolerance and impunity, ensuring that perpetrators are held accountable for their crimes. The Philippines remains strongly committed to upholding the rule of law and human rights.

The legacy of Nuremburg is that individuals can be made accountable even if their acts were not statutory crimes and even if Governments tolerated or even sanctioned those acts. Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced — a reaffirmation of man's free will for good and evil.

Without Nuremburg, we have little hope and commitment to saving ourselves and our children from the scourge of war, which twice in our founding fathers' and mothers' lifetimes brought untold sorrow to all humanity. Without Nuremberg, justice could not have coped with the limitless ingenuity of evil men in perpetrating acts that defied the imagination of lawmakers until they saw with horror those acts committed, from the Rape of Nanking to Auschwitz, from the killing fields of Biafra and Cambodia to Bosnia and Rwanda, from the blood bath that created Bangladesh to the torture centres of the Caliphate.

It is people individually, then collectively, who make justice work. In the same way, they commit injustices on a vast scale. There have been many heroes from Nuremberg to the establishment of the International Criminal Court, the adoption of the Rome Statute in 1998 and the election of its first bench of judges in 2003. Those heroes — too many to name but not enough to have prevented the outrages that they prosecuted and judged — range from lawyers and civil society advocates to witnesses and the victims.

No one is above the law. The Philippines joins previous speakers in upholding and defending the Rome Statute. To be sure, despite the creation of the Court, one thing has not changed: the collective work of delivering international justice remains a vocation that is difficult, thankless and even dangerous.

Challenges remain. One of them is universality. The Philippines joins the call for many more countries to ratify or accede to the Rome Statute. Whether or not we are States parties, we should all protect human rights and build domestic capacities to enforce them and punish their violation. The Philippines once again calls on the five permanent members of the Security Council to refrain from using their veto in situations patently involving mass atrocity crimes, and to take the necessary follow-up measures in situations referred to the Court so as to uphold the credibility of both institutions.

In the same spirit of genuine understanding, in advance of the sixteenth Assembly of States Parties in December, the Philippines also supports full and candid dialogue and consultations to address allegations of

inequality and unfairness in the work of the Court. Judges are only human, as the High Commissioner for Human Rights so eloquently said. Nonetheless, the work that those judges do far, far outweighs the flaws of individuals that discredit the Court's noble mission: to provide justice where otherwise none would be possible, to protect the weak whom none of the strong will protect, and to vindicate their rights that have been trampled.

In that context, let me briefly mention the Philippine campaign against illegal drugs, which pose an existential threat to my country. We were advised to tolerate a worsening drug situation, urged to live with the threat it poses by avoiding strong measures to defeat it, and to legalize drugs so as to make addiction a benign condition. But legalizing such a crime does not make it less of one. We refuse to do that. We cannot live with what does not let our people live in peace, with well-being, freedom and national security. Ever in the mind of every country in Asia is the subjugation of a great empire by two others flooding it with opium.

We remain resolute in combating the proliferation of drugs and the prevalence of drug addiction in our country. A whole-of-nation approach is needed to solve that problem, and vigorous law enforcement is definitely part of it. As many in the Assembly now know, and the United Nations has alerted us, there is an intimate and indisputable relationship between terrorism and the illegal drug trade. The siege of Marawi and what was found there proves that conclusively.

Let me reiterate our basic principles. The Philippines is committed to upholding the rule of law and respecting human rights in the fight against illegal drugs. We do not condone killings. It is tragic that many deaths have taken place outside the framework of lawful police operations. They are being investigated and prosecuted in the Philippines' criminal justice system, as many of them were found to be rub-outs committed by unknown groups, perhaps taking advantage of the Government's campaign.

Accountability in the campaign is of overriding concern to the President. He has ordered the internal cleansing of the entire police organization, relieved a major command and reassigned the campaign from the national police to a specialized drug enforcement agency with a long record of cooperation with its counterparts in the United States and Europe. Government critics now object that the agency is too small to cope with the drug problem. It is either too much or too little. One cannot please everybody. As a State party to the Rome Statute, the Philippines will cooperate in providing authentic information and has invited the United Nations to join it in that effort, with the exception of politicized individuals with a personal stake in proving themselves right no matter what.

The Court is one of last resort. The Philippines itself has a responsibility and a right to prosecute crimes under the Rome Statute. We have a functioning criminal justice system capable of prosecuting those crimes. In the spirit of the law, let us all show that complementarity works, and that biased intervention — even if merely vocal — is not necessary.

**Mr. Escalante Hasbún** (El Salvador) (*spoke in Spanish*): We would like to begin our statement by thanking the President of the International Criminal Court, Her Excellency Ms. Silvia Fernández de Gurmendi, for the presentation of her report (see A/72/349), in which she details the administrative and judicial activities carried out by the Court for the period from 1 August 2016 to 31 July, submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court, and paragraph 28 of resolution 71/253. We also thank Mexico for the introduction of draft resolution A/72/L.3, which my country has the honour of co-sponsoring.

My delegation is pleased to note that last year the International Criminal Court continued to have a high volume of work and that the Office of the Prosecutor is pursuing investigations in 10 situations. Moreover, we are aware that the International Criminal Court has made significant achievements in recent years, but we also acknowledge that much remains to be done and that the path before us is long, filled with challenges and opportunities to move forward in a process that opens the door to judging serious violations of human rights, to the possibility of judging those who have committed crimes defined in the Rome Statute, and, even more importantly, to transforming the Court into an effective tool of deterrence for those crimes in the future.

Therefore, our country supports the adoption by consensus, at the upcoming Assembly of States Parties to the Rome Statute, to be held in this city in December, of a decision to activate jurisdiction over the crime of aggression, which would reinforce the jurisdiction and competence of the International Criminal Court. That

is part of a new commitment taken on last year when my country deposited with the Secretary-General our instrument of ratification of the Kampala amendment on the crime of aggression and of the principles and values of the Rome Statute of the International Criminal Court,

Likewise, as part of our commitment to the international community and the Criminal Court itself, in order to strengthen the regulatory and operational structure, last year we implemented internal processes, in accordance with our national legislation, to ratify as soon as possible the Agreement on the Privileges and Immunities of the International Criminal Court, as we firmly believe that that instrument will facilitate not only the carrying out of its functions but also of its purposes.

El Salvador is one of the most recent countries to adhere to the Rome Statute and the Kampala amendments, as the result of a long dialogue process involving various forces and actors of the country, thereby leading to a more concrete and realistic knowledge of the Court's powers and competencies. We believe that El Salvador represents a successful example of the universalization of the Rome Statute, and as a country we will offer our experience to any State Member of the United Nations that has yet to deposit its ratification instrument in order to help overcome any erroneous juridical preconception concerning the Court and the Statute.

Lastly, I would like to conclude my statement by reiterating our country's deep commitment to and support for the work of the International Criminal Court. We urge once again those who have not done so to ratify the Rome Statute and its two amendments and to continue with the analysis with a view to achieving full universality in the near future so as to promote justice and reduce impunity at the international level.

**Mr. Lambertini** (Italy): Italy welcomes the report on the activities of the International Criminal Court (ICC) (see A/72/349) and the opportunity to participate in today's debate. Let me warmly thank the President of the Court, Judge Silvia Fernández de Gurmendi, for her presentation today and the work that she has done over her years as President of the Court. The report and the President's address today show the continuing efforts of the Court, which is facing a heavy workload, to improve the effectiveness of its proceedings while continuing to meet the increasing demand for justice.

Italy aligns itself with the statement delivered earlier by the observer of the European Union. I would like to emphasize only a few points in my national capacity.

First of all, it is essential for States to respect the independence of the Court. At the same time, it is our role as State representatives to deal with all potential concerns and tackle through dialogue at the political level all relevant issues.

During the past three years in our role as Vice-President of the Assembly of States Parties in New York, we have been proud to work side by side with the President of that Assembly, the Minister for Foreign Affairs of Senegal, Mr. Sidiki Kaba, in his efforts to improve dialogue among States parties on important issues of common concern. The Assembly of States Parties continues to be the proper forum to discuss a number of issues of common interest for States parties, and we have an important session in December.

At the same time, however, the fight against impunity remains a common concern of the international community as a whole, not just of the 123 States parties. Therefore, it is equally important to discuss accountability for war crimes and crimes against humanity here at the United Nations, together with all other Member States. Today's debate provides us with a good opportunity to do so.

The Rome Statute is a cornerstone of the fight against impunity and the establishment of the age of accountability. On 17 July 2018, the twentieth anniversary of the adoption of the Statute will be celebrated, and several events are in preparation to mark the anniversary. The importance of the treaty, which created the first and only permanent international criminal tribunal, is evident. The ICC is a unique institution, and it is important to work together to further strengthen it.

Following the Nuremberg and Tokyo trials after the Second World War and the establishment of the United Nations, it took more than 50 years for the international community to come together in Rome in 1998 and finalize this ambitious treaty, which was inspired by the fundamental principles of international justice. This treaty shares many of the essential goals of the United Nations and its Charter. Universal participation in the Rome Statute continues to be an objective that we must pursue with an encouragement to all Member States to consider ratifying the Statute. However, we must not forget that the values enshrined

in the Statute are already universal in character, and we — all Member States — can and should engage in furthering those values and promoting the goals of the fight against impunity.

At the same time, it is particularly important that the international community increase its efforts in upholding the concept of complementarity and work together to strengthen domestic systems, as the ICC is and should remain a court of last resort. Our objective is to see stronger capacities at the national level to prosecute crimes and defend the interest of victims.

Our focus must remain on the victims of international crimes. Also for that reason, on 17 July — the date that was proclaimed by the Kampala Review Conference in 2010 as the Day of International Criminal Justice worldwide — Italy, together with Denmark, The Gambia and Liechtenstein, organized an event during which the Trust Fund for Victims highlighted the crucial role it plays in providing redress and reparations, both for individual victims and for the communities most directly affected by such crimes. And the order of the Court of 17 August on reparations concerning the destruction of cultural heritage in Timbuktu is an important confirmation of the continuing efforts in that direction, which we welcome.

**Ms. Sapag Muñoz de la Peña** (Chile) (*spoke in Spanish*): First of all, we express our appreciation to the President of the International Criminal Court, the Honourable Judge Silvia Alejandra Fernández de Gurmendi, for the complete report that she has presented on the period from 1 August 2016 to 31 July 2017 (see A/72/349). The report shows, inter alia, the significant increase in the volume of work that the Court has experienced.

We would also like to congratulate Judge Fernández de Gurmendi for her outstanding work as President of the Court since March 2015. We greatly appreciate her efforts to increase the efficiency of the criminal process and actively promote the universality of the Rome Statute, especially under complex circumstances. We see that the judicial and prosecutorial activities during the reporting period, both in preliminary examinations and in investigations and procedures, have been widely developed, thereby contributing to the fulfilment of the Court's mandate.

The International Criminal Court has become a unique expression of our time. It marks a unique stage in the history of institutions dedicated to international criminal justice. From the point of view of the protection of human rights, the creation of the Criminal Court continues to be a decisive pillar in the fight against impunity, and through it the States parties demonstrate their commitment to the international community with regard to compliance with its objectives.

Chile has actively and decisively supported the Court since the beginning of the process that led to the adoption of the Rome Statute. Looking back at the progress made over the years, we are also aware that there are various challenges facing the Court that require States to continue working with unwavering energy.

The International Criminal Court could not carry out its decisive work in the fight against impunity without the due cooperation of States, so that those responsible for crimes under the jurisdiction of the Court are held accountable for their actions. We call on all States to cooperate fully with it.

The cooperation of States is the main tool available to the Court for the execution of arrest warrants, delivery of evidence and support for its investigations and procedures in general. The lack of cooperation by some States can seriously affect its judicial functions and its ability to provide justice to victims. The Court must have the means and the human and material resources necessary for the fulfilment of its mandate, and the States parties must responsibly study the budgetary requirements, supporting the work of the relevant bodies of the Assembly of States Parties. In that connection, Chile reiterates that when the Security Council refers a case to the International Criminal Court, it must also take the steps necessary to ensure that it has the financial means to deal with that referral.

We are also convinced of the need for the Security Council to follow up on the cases that it refers and, in relation to those cases, to pay special attention to situations that arise due to a lack of cooperation from States or to the difficulties that could arise.

Regarding the work of the Trust Fund for Victims, we recognize its important work, which has allowed for assistance to more than 455,000 victims to date. We should not forget that support for victims is one of the fundamental reasons for acceding to the Rome Statute. We will not rest until we meet our goal of achieving universality and the full application of the Rome Statute, and we call on States that are not yet parties to the Statute to ratify or accede to it.

Last year, we learned of the withdrawal of three States from the Rome Statute, which we deplore. We are therefore pleased to hear that two of them have revoked those decisions. We urge all States that face difficulties with respect to the application of certain aspects of the Rome Statute to consider increasing the effectiveness of their provisions and to seek answers to their questions within the framework of its norms and principles.

We reiterate our faithful and determined support for the International Criminal Court as an essential instrument to fight impunity and prosecute the perpetrators of the most serious international crimes when the State does not or cannot act in favour of justice and support for victims.

**Mr. Arriola Ramírez** (Paraguay) (*spoke in Spanish*): The Republic of Paraguay wishes to pay tribute to Judge Silvia Fernández de Gurmendi in her capacity as President of the International Criminal Court, as well as Mrs. Fatou Bensouda, Prosecutor of the International Criminal Court and all other magistrates of this international tribunal. We welcome the annual report of the Court on its activities between 2016 and 2017 (see A/72/349).

The Republic of Paraguay, as a State based on the rule of law, recognizes and accepts international law, enshrining general principles such as international solidarity and cooperation and the international protection of human rights. Likewise, we condemn wars of aggression, torture and cruel, inhuman or degrading treatment or punishment. It should be noted that the Republic of Paraguay declares genocide, the forced disappearance of persons, abduction and homicide for political reasons as imprescriptible.

I have the honour to share with the Assembly that the Republic of Paraguay, true to its commitment to international law, is celebrating the fact that the just-promulgated law on national implementation of the Rome Statute is fully in force. It includes, among other elements inherent in the provisions of that instrument, genocide, crimes against humanity and war crimes, in accordance with the Statute, as well as commensurate punishment.

In addition to the jurisdiction exercised by the Court over the aforementioned crimes, it will also be exercised by national jurisdictional bodies in accordance with domestic criminal legislation. In that way, the relationship between universal jurisdiction and national jurisdiction is established, with the limitations of the latter. Similarly, the Kampala amendments, which include the crime of aggression and broaden war crimes, are under legislative treatment in the National Congress. Those important advances reaffirm and consolidate the commitment of the Republic of Paraguay to promote the universality and full application of the Rome Statute and further strengthen our ties and cooperation with the International Criminal Court.

On the other hand, the Republic of Paraguay urges the United Nations to continue strengthening its relations with the Court, particularly with regard to the exchange of information, the provision of services and facilities, judicial assistance and the appearance of United Nations personnel before the Court to provide testimony and support for activities on the ground, as well as strengthening cooperation with peacekeeping missions, the Security Council and other bodies of the Organization.

Likewise, the Republic of Paraguay welcomes the work, both in reparation and assistance, of the Trust Fund for Victims, particularly in the provision of physical and psychological rehabilitation services and material support to survivors of crimes defined in the Rome Statute. The Republic of Paraguay encourages the Fund to continue those tireless activities for the victims and invites other States and interested entities to make new contributions to extend and maintain the assistance programmes and to maintain and increase its financial reserves. That will complement the reparations granted by decision of the Court.

The Republic of Paraguay expresses its full support to the Court with regard to all forms of assistance it has recently provided, especially in relation to the promotion of the universality of the Rome Statute system and the adoption of national legislation. As evidence of that support, my country's delegation is co-sponsoring resolution A/72/L.3, which will be adopted today. We also urge those States that have not yet done so to accede to the Rome Statute in its entirety, as we believe that the only way to ensure the functioning of the Court is through the joint efforts of its States parties in the collective fight against impunity for the perpetration of the most serious international crimes.

Finally, the Republic of Paraguay urges the Court to continue its hard work of exercising its jurisdiction over persons, as a permanent international judicial organ, for the commission of the most serious crimes of

concern to the international community, as established in its Statute. We also encourage the magistrates of the Court to continue their work in the most objective and impartial way possible.

**Ms. Boucher** (Canada) (*spoke in French*): At the outset, I would like to reiterate Canada's continuing support for the International Criminal Court (ICC) and the essential role it is playing in ensuring accountability for those responsible for the commission of the most serious international crimes. A majority of Member States are already parties to the Rome Statute of the ICC. However, we remain some distance from achieving universality of the Statute. Canada calls upon those States that have not yet done so to consider acceding to the Rome Statute.

It is well known that the Court cannot effectively accomplish its mandate without the necessary cooperation from States parties and other actors. Over the past few years, we have witnessed both accomplishments and challenges in the sphere of international cooperation. The historic guilty plea and conviction of Mr. Al-Mahdi for war crimes related to the destruction of UNESCO-protected shrines in Timbuktu would not have been possible without the assistance of the Niger and Mali. We commend their cooperation as a concrete example of their commitment to justice.

With the support of States parties, the International Criminal Court has also made landmark judgments condemning the recruitment of child soldiers and sexual and gender-based crimes. Despite such accomplishments, Canada remains troubled by instances of non-cooperation, particularly by State parties to the Rome Statute. The fact that arrest warrants issued years ago — including those issued pursuant to referral to the Court by the Security Council — remain unexecuted should be concerning to all of us as members of the international community. Canada encourages all States to abide by their international commitments.

(*spoke in English*)

Canada welcomes The Gambia's decision to remain a party to the Rome Statute. We also welcome South Africa's reversal of its withdrawal and hope to see it remain a party to the Rome Statute. However, we continue to be concerned by the withdrawal of Burundi from the Court, and we urge Burundi to reconsider.

At the same time, Canada is encouraged by African voices that have spoken out in support of the Court over the past year, including Botswana, Sierra Leone, Nigeria, Tanzania, Ghana, Malawi and Senegal. All victims, including African victims, have a right to justice. The ongoing contributions of African States in support of the Court are invaluable to making that justice a reality. African States played an important role in both the establishment and development of the Court. Today, their steadfast support is more important than ever in the fight against impunity.

As Secretary-General Kofi Annan said in Rome in 1998, the establishment of the Court was a gift of hope to future generations and that it was a giant step forward in the march towards universal human rights and the rule of law. Building on the legacy of Nuremberg, and following the lead of the ad hoc tribunals for Rwanda and the former Yugoslavia, the ICC is the culmination of the international community's dedication to fighting impunity and giving voice to the victims of atrocity crimes.

As a recent example of Canada's ongoing support for the ICC, I am proud to note that we have nominated an exceptionally qualified candidate, Ms. Kimberly Prost, for election as a Judge of the Court. That nomination resonates with the priority that Canada places on gender equality and women leadership.

Looking forward, Canada anticipates that the upcoming sixteenth Assembly of States Parties will be a fruitful meeting that allows us to move forward with strengthening the Court's role. We hope for productive discussions on activating the Court's jurisdiction over the crime of aggression, and on budgetary and governance issues, while avoiding politicization and micromanagement. We must continue to constructively work together to achieve our common goal of maintaining and strengthening the framework of a permanent, independent judicial institution that has the respect and confidence of the international community.

*The meeting rose at 1.15 p.m.*